

DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF MAINE

RE: WEST OLD TOWN LANDFILL LICENSE AMENDMENT
APPLICATION PUBLIC SESSIONS

MORNING SESSION
MARCH 30, 2004

March 30, 2004

9:00 A.M.

TRANSCRIPT_OF_PROCEEDINGS

MR. BURSON: Good morning. We welcome you to the second day of this public meeting to discuss the pending application for an amendment of the permit for the West Old Town landfill. I'm Malcolm Burson, along with my colleague Elaine Walsh. We will be the facilitators for the meeting today. I work for the Department of Environmental Protection. Ms. Walsh represents the firm of Barton & Gingold. She's been hired by the Department to assist us in this process. I just want to briefly introduce Commissioner Dawn Gallagher to restate the purpose of the meeting and offer her own welcome, and then we'll go over some of the ground rules for today.

COMMISSIONER GALLAGHER: Thank you. I'm Dawn Gallagher, and I'm Commissioner for the DEP. I'm glad to see that you're all here. The Department, as you know, is charged with a challenging and important task, which is to review the application for the amendment for the Old Town landfill. I'm glad that you're here. The purpose of today's meeting is to get comments and testimony from you, to hear your questions, and to provide responses. We're

1 going to go over the ground rules, and then after that we
2 will do some introductions and swear folks in who want to
3 speak on the record. Thank you, Malcolm.

4 MR. BURSON: Thank you. The ground rules for
5 the meeting are posted at the back, along this side, and
6 again at the front. In order to make sure that everyone has
7 an opportunity to speak, and particularly so that persons
8 who were not here yesterday have a certain priority, we will
9 try and arrange a good way to do that, and we will be
10 explaining that to you, how the schedule for the day will
11 work in a minute or two. Again, to do the ground rules, the
12 facilitators, Ms. Walsh and myself, are responsible for
13 managing the process. We ask that if you wish to speak you
14 complete a registration form at the table at the back. We
15 have been following since yesterday the procedure by which
16 we basically take those in the order received and that
17 anyone who has not yet had an opportunity to speak has
18 priority over those who have spoken once or other more times
19 previously. You can indicate on that that a session at
20 which you'd like to speak. Again, we are committed today
21 from 9:00 to 12:00 and then again resuming at 2:00 going
22 until 8:00. The calendar does not have any breaks in it
23 during those longer periods, but we are going to take a few,
24 particularly for the sake of our court reporter, who needs a
25 chance to let her fingers uncourt for a few minutes in the

1 middle of a very long session. Speakers then will be called
2 in order of registration for that particular session.
3 Again, our colleague, Deborah Garrett, in the back of the
4 room has been accumulating those, and we will take those and
5 call people up to the podium. We ask that people speak one
6 at a time. We know that in a hall this large and with many
7 people interested in the subject sometimes it can get
8 distracting if people are having side conversations. If you
9 wish to confer or discuss things with other people you know,
10 we'd ask you to take this outside, particularly on this
11 gorgeous day. We ask that you be respectful of others'
12 opinions and ideas. We may disagree over some of the
13 substance, but we ask that you treat other people's opinions
14 with respect. Again, we thought the meeting yesterday went
15 very well, but to me one of the signs of disrespect is when
16 somebody utters an opinion you don't like and there's a
17 chorus of some kind or another from the audience. I don't
18 find that respectful. We ask you to be efficient with
19 language and with time. We've tried to plan this in a way
20 so that everyone does have an opportunity to speak. That
21 will obviously be improved if people don't try to take every
22 possible moment of their time unless they need to. We ask
23 you to practice candor and kindness. Definitely be
24 straightforward in speaking your opinions, but please be
25 kind to others who may differ, thus, avoid personal attacks.

1 We might differ about ideas, but it's important for us not
2 to differ over who we are. If you haven't already done so,
3 please turn off cell phones and pagers because I think
4 everyone knows those can be a bit distracting in the middle
5 of a meeting. The procedures we're speaking of this morning
6 will be the same as most of yesterday. Speakers will have
7 five minutes at the podium for questions or comments, and
8 the facilitators will give a one-minute warning before
9 you've used up all of your time. Time limits will be very
10 strictly adhered to. If you ask a question of the applicant
11 or of the Department, in a sense they have five minutes as
12 well to respond to your question. What we have tended to do
13 yesterday was where there was a series of questions and
14 answers, we tried it create a roughly 10-minute block for
15 that conversation to go back and forth, and it seemed to
16 work well. If you ask a question, there will be time on the
17 applicant's clock for them to respond. We ask that speakers
18 not try to yield any remaining time to other speakers. It
19 would not be good for you to say, well, I'm going to talk
20 for two minutes, and then I'm going to give my buddy, Steve,
21 over here three extra minutes. We just won't allow that.
22 The five minutes are yours to use. We didn't run even close
23 to this yesterday, and I expect we will not do so today, but
24 should at any time the proceedings get out of hand, the
25 Commissioner reserves the right to cease the proceedings,

1 declare a break, and stop receiving comments. I don't
2 expect we will get there, but that's the rule in case we do
3 go there. As I said, this morning will be very much the
4 same way as it was yesterday. We'll try and work in these
5 five-minute blocks of time. If there is time remaining at
6 the end of the morning session, then obviously we can take
7 some additional comments. Anyone who spoke on the record
8 yesterday is automatically at the back of the pile this
9 morning until all those who have not had a chance to speak
10 have had their turn. This afternoon we anticipate a
11 slightly different procedure. We expect that one
12 organization which is interested in this issue has brought a
13 speaker from out of town. That person will be given a
14 substantial block of time beginning at 2:00 because I guess
15 he has to make a plane to leave again, and we want to make
16 sure that that full presentation is allowed. We will then
17 have to decide based on how much time appears to be left how
18 we will allocate the remaining time. The Commissioner has
19 reserved the last 15 minutes of the day for any closing
20 comments of hers. The applicant has asked for 15 minutes at
21 the very end of the day for any final closing comments. We
22 believe that's fair because this is -- this meeting is about
23 the applicant's application. Therefore, they have a certain
24 position to be able to summarize their thoughts as the
25 Department moves forward in making a decision.

1 UNIDENTIFIED SPEAKER: You say applicant.

2 Doesn't the State of Maine own this dump?

3 MR. BURSON: The applicant in this question
4 is Casella Waste Systems.

5 MR. DOYLE: State Planning Office.

6 MR. BURSON: The State Planning Office is the
7 applicant. I'm sorry.

8 MR. DOYLE: The applicant's agent is Casella
9 Waste Systems.

10 MR. BURSON: Thank you, Tom. The applicant's
11 agent in this case is Casella Waste Systems, thus,
12 representing the state in the proceedings. Sorry if I
13 wasn't clear about that. It gets a little confusing.
14 Elaine, have you been able to overhear? One of the things
15 you will have noticed on the agenda is we didn't put in
16 breaks. I'm not sure who came up with that idea, but you
17 will note for this morning we will have opening comment from
18 9:00 to 10:15. We think three hours straight is a little
19 long, so there will be a very brief 15-minute break at
20 10:15. We'll then go from 12:30 to 2:00. 12:00 to 2:00 is
21 the previously scheduled and published break, so the
22 proceedings willing then resume at 2:00. In the afternoon
23 we will resume comments beginning with the presentation from
24 2:00 to 4:00, take a half hour break from 4:00 to 4:30,
25 resume from 4:30 to 6:00, take another half hour break, and

1 then conclude in the 6:30 to 8:00 space. Unless someone up
2 here can think of something I haven't mentioned already, I
3 will turn it back to the Commissioner to --

4 COMMISSIONER GALLAGHER: Why don't you do
5 some introductions.

6 MR. BURSON: I can introduce the state side.
7 You have already met Commissioner Dawn Gallagher. Maybe you
8 folks could stand as I mention your names. Next to her is
9 Steve Davis, the Director of the Bureau of Remediation and
10 Waste Management. Next to him is Paula Clark, Division
11 Director of the Division of Solid Waste. Cyndi Darling from
12 the Department's Eastern Maine Regional Office, who is the
13 Project Manager for this office. Dick Behr, who is a
14 hydrogeologist with the Department. Steve Farrar, who is
15 the landfill manager for --

16 MR. FARRAR: I'm project engineer.

17 MR. BURSON: Thank you, Steve. In the front
18 row David Burns, again representing us particularly on
19 landfill gas collection issues, and Richard Heath, another
20 hydrogeologist. Tom, do you want to introduce this side of
21 the house?

22 MR. DOYLE: Good morning. My name is Tom
23 Doyle. I'm an environmental attorney with Pierce Atwood in
24 Portland. To my right is Pete Maher of Sevee & Maher, the
25 principal engineering firm on the project, Don Meagher of

1 Casella Waste Systems, John Sevee, the president of Sevee &
2 Maher Engineers, hydrogeologist. Next to John is George
3 MacDonald, who is the manager of the solid waste and
4 recycling program for the applicant, State Planning Office.
5 Behind me, Tom Gilbert. He is the head of permits and
6 compliance for Casella Waste Systems located in Hampden.
7 Dr. Rich Wardwell, who has looked at geotechnical issues
8 related to the landfill both on this application and since
9 1999 for G-P. Mike Booth, who is the -- one of the
10 principal engineers from Sevee & Maher Engineers. John
11 Lortie, president of Woodlot Alternatives, wildlife
12 biologist, avian expert, looked at endangered, rare, and
13 threatened species and wetland issues. David Adams from
14 Sanborn, Head & Associates. They were the principal
15 designers of the gas management system for the project.
16 Martha O'Brien from Odor Science & Engineering, Bloomfield
17 Connecticut. She is the odor control expert for the
18 project. Bill Eaton, traffic engineer with Eaton Traffic
19 Engineering. Bill did the traffic evaluation, traffic study
20 for the project. Dennis Jud of SMRT. He's a landscape
21 architect. He did the visual impact analysis for the
22 project. Jim Chabot of Sanborn, Head & Associates again.
23 They're the engineering firm out of Vermont and New
24 Hampshire that did the gas management design. Eric Wood of
25 Acentech, Incorporated, noise control expert. He's an

1 acoustical and noise control engineer out of Cambridge,
2 Massachusetts.

3 MR. BURSON: At this time I will turn it back
4 to Commissioner Gallagher. I think we're taking it those
5 who were under oath yesterday are still.

6 COMMISSIONER GALLAGHER: For those of you
7 that are here that were here yesterday and testified, as
8 well as both panels, it would just make me feel more
9 comfortable if people once agree to take an oath. For those
10 of you in the audience that plan to speak today and would
11 like the information on the record and under oath, if you
12 would all rise, and we'll do an oath, and the people on the
13 panels as well. I'm going to ask you to state your name.
14 I, state your name, swear to tell the truth, the whole
15 truth, and nothing but the truth. Thank you.

16 MR. BURSON: The next item on the agenda is
17 that, Tom, you have requested some time to answer some
18 questions that were left from yesterday; is that correct?

19 MR. DOYLE: Yes. Actually, there were two
20 housekeeping matters I wanted to attend to this morning.
21 The first is for those of you who weren't here yesterday I
22 introduced in a little bit more detail all of the experts
23 that Casella has brought to bear on this project, all the
24 expertise. What I'd like to do and what I forgot to do
25 yesterday is introduce their resumes into the record, so I'm

1 going to do that right now. Also, as I indicated yesterday,
2 we're going to attempt to respond to all questions that are
3 relevant to the approval criteria before the close of the
4 record today -- excuse me, the public meeting this evening.
5 One of the questions that was raised yesterday by Marcia
6 Cleveland was whether we had considered a visual impact of
7 the project from Hirundo Wildlife Refuge. She's trying to
8 say that that may be relevant to the approval criteria
9 because there's an approval criteria that talks in terms of
10 does the project have any unreasonable adverse impact on
11 scenic areas, including public viewing areas. Public
12 viewing areas has a definition that's in Chapter 400 of the
13 rules. We don't believe this wildlife refuge meets the
14 definition of a public viewing area. Nonetheless, we
15 assessed it this morning, and Dennis Jud is going to speak
16 to that just very quickly.

17 MR. JUD: The area in question is
18 approximately four and a half, four and a quarter miles
19 away. It's a mostly wooded corridor. It's very, very low
20 in the landscape, and it resides in a part of the whole view
21 shed that is, as with many other places, impossible to see
22 the proposed landfill. In this case the landfill would not
23 be visible clearly from this location and would have to be
24 over 4,000 feet fall to be seen from that location. We're
25 in pretty good shape there.

1 MR. DOYLE: Finally, I believe it was
2 Kimberly Lommler Robichaud that left us with some questions
3 last evening. Some of them had already been addressed, but
4 in the afternoon session we'll address those. I don't want
5 to take up any more time right now. Thank you.

6 MS. WALSH: That starts us off with the folks
7 that have signed up for asking questions and making
8 comments. I just wanted to remind everybody that we did
9 this on a first come, first serve basis. Some folks signed
10 up for slots, and we're just doing it right in the order of
11 how and when they signed up. The first person is Alton
12 Violette. If I could ask you to please state your name and
13 where you're from, please.

14 MR. VIOLETTE: My name is Alton Violette, and
15 I'm from Patten, Maine. I want to comment a little more on
16 Dr. Lommler's about the test wells. Now, how good are they
17 really as far as picking up a lot of this leach stuff that
18 goes through the ground? I worked at a plant that has a lot
19 of these test wells, and I know of thousands of gallons of
20 water laying on the ground that had creosote in it. They
21 never picked it up. They never pick up any cadmium as far
22 as I know, and everything passes right through. That plant
23 has been there for pretty near 18 years. As far as the DEP
24 says, everything is fine. Now, if that is fine, where did
25 all this water go to? There's a brook right handy, and

1 that's where it goes. They have a retention pond that
2 stormwater is supposed to go to. There's groundwater that
3 runs right through it. There's a test well there that they
4 take water out. There's been oil going down the brook and
5 never shows. So how good are these test wells? I mean, I'm
6 just interested in keeping our water somewheres near clean.
7 Does anyone want to respond?

8 MR. SEVEE: The monitoring wells that we've
9 designed have been designed in accordance with the
10 requirements of the Maine Department of Environmental
11 Protection. The program and the approach and methodology
12 and so forth are the methods that they approve of. The
13 wells are designed to pick up anything that's moving in the
14 groundwater system that's being transported with the
15 groundwater. If something is moving in the vicinity of the
16 well stream, it will be picked up by these wells.

17 MR. VIOLETTE: That's my understanding, but
18 them wells -- one of them is closer than where we're
19 standing here talking, so, I mean, why shouldn't that pick
20 it up?

21 MR. SEVEE: I'm sorry?

22 MR. VIOLETTE: One of them wells I'm talking
23 about is as close as we are together.

24 MR. SEVEE: I think what you're asking me is
25 about the creosote site.

1 MR. VIOLETTE: Yeah.

2 MR. SEVEE: Without knowing a lot of
3 information about that, I --

4 MR. VIOLETTE: I'm asking about why the test
5 wells -- your test wells are supposed to pick this stuff up
6 at the dump. If they don't pick it up at a plant where I've
7 been working now for 10 years or more -- I'm just
8 questioning how good your test wells are.

9 MR. SEVEE: As I said, the wells are designed
10 to pick up anything that's moving with the groundwater
11 system here. You know, that technology has been in place
12 for a long time and is a well-proven technology. I can't
13 speak in regards to what's going on at this other facility.

14 MR. VIOLETTE: Like I said, I just wanted to
15 know about your test well. That's all. I would like to
16 have a comment to Ms. Gallagher.

17 MS. WALSH: Hold on for a minute.

18 MR. BEHR: My name is Dick Behr. I'm the
19 project geologist for the Department. I want to try to
20 address your concern because we do rely on those monitoring
21 wells to detect releases from the landfill or from other
22 activities at this landfill. You know, no wells are going
23 to be perfect, but I think that you should have some level
24 of comfort knowing that the very relatively minor changes in
25 water quality that I observed back in September and reported

1 on have resulted in additional investigation that now let us
2 feel very comfortable that the landfill liner is working
3 properly, but there are other water quality problems
4 related -- the water quality problems that have been
5 identified are related to most likely the leachate pond, the
6 piping into and out of that leachate pond, perhaps the
7 liner, the detention ponds that have been used for
8 stormwater runoff. They may have received untreated
9 leachate at times, and we now believe that that's the cause
10 of these changes in water quality that we've seen
11 downgradient of the landfill. I want to mention that to let
12 you know that that's evidence that the wells are working
13 properly. They are able to detect changes in water
14 chemistry. I have also made some recommendations regarding
15 additional monitoring for this expansion. I believe most of
16 those recommendations are going to be adhered to.

17 MR. VIOLETTE: Well, we hope so.

18 MS. WALSH: I apologize for the feedback.
19 We're trying to turn up some microphones. That's what is
20 going on. There's not some strange alien attacking the
21 microphones. You wanted to --

22 MR. VIOLETTE: Address Ms. Gallagher.

23 MS. WALSH: Yes.

24 MR. VIOLETTE: Now, I gave you some papers
25 when we was at Bangor. Now, how much is the DEP going to

1 turn their heads when they start putting all this other they
2 say isn't hazardous waste that is hazardous waste in the
3 dump?

4 COMMISSIONER GALLAGHER: You may want to tell
5 the audience the papers that you gave me were not about the
6 Old Town landfill. They were about --

7 MR. VIOLETTE: That's why I didn't mention
8 it.

9 COMMISSIONER GALLAGHER: Your question to me
10 is?

11 MR. VIOLETTE: I will put it little more
12 plainly. Where I give you those papers, DEP from Presque
13 Isle handles that, and they just turn their heads and let
14 things slide. Whoever is going to look after this, are they
15 going to let a lot of things slide?

16 COMMISSIONER GALLAGHER: Absolutely not.

17 MR. VIOLETTE: I hope not. That should be
18 it.

19 MS. WALSH: The next person is Elory Keene.
20 Again, please state your name and where you're from, please.

21 MR. KEENE: My name is Elory Keene, and I'm a
22 resident of Winslow. I am the former Executive Director of
23 the Kennebec Valley Council of Governments. I'm here to
24 testify in support of the Department's draft decision to
25 approve the proposed amendment to the West Old Town

1 landfill. We did have something about credentials. I do
2 have a Bachelor's and Master's Degree in civil engineering
3 and also a Master's Degree in urban and regional planning.
4 Since 1970, when I came back to Maine to head up the North
5 Kennebec Regional Planning Commission, I've been
6 representing and advising towns about solid waste management
7 issues, was involved in advising a number of communities to
8 become apart of the group that disposes of their waste at
9 the PERC facility. Why am I here from Winslow talking about
10 the West Old Town landfill? It's because I am also a
11 representative of towns in my area. The PERC Municipal
12 Review Committee, that represents towns, and the PERC
13 municipal -- it has been working with the PERC people who
14 burn our garbage, which has worked out to be an effective
15 way for our towns to get rid of our garbage. I was involved
16 in solid waste issues and was active during the time that
17 the Legislature adopted sweeping changes to the solid waste
18 laws of the state setting forth a hierarchy for waste
19 management and eliminating future development of commercial
20 landfills. The opponents of the landfill permit amendment
21 appear to be arguing that somehow the State Planning
22 Office's ownership of this facility is a way of getting
23 around certain regulatory requirements. I say that SPO's
24 involvement and development of West Old Town landfill, is
25 the state finally getting around to meeting its obligation

1 to address the future waste needs of the State of Maine. At
2 the time the solid waste laws were amended years ago, I
3 think about 15 years ago, it was anticipated that a new
4 landfill would some day be needed for ash disposal and that
5 it would be owned by the State of Maine. The statute and
6 regulations are written with that understanding in mind.
7 The availability of the West Old Town landfill has provided
8 a unique opportunity to locate the state's ash landfill at a
9 site that is already in operation as a landfill facility and
10 has been studied and examined from an environmental
11 standpoint. The availability of this landfill is of
12 importance to the entire State of Maine. The towns served
13 by PERC alone reach from Southport to Mars Hill, from
14 Baileyville to Munson. These communities rely upon the DEP
15 to make sure that the landfill needed to dispose of PERC's
16 ash is designed and operated safely and effectively. We
17 think that the Department has done a really good job of
18 addressing the technical issues. They also have made
19 significant efforts to inform and involve the public in the
20 application process. I support the Department's draft
21 findings and conclusions and hope that you will approve the
22 West Old Town landfill application quickly. The state needs
23 this site. I thank you for your time. If someone has any
24 questions for me, I would be happy to answer.

25 MS. WALSH: Any questions for Mr. Keene?

1 Thank you. John Chisholm, please.

2 MR. CHISHOLM: Good morning. My name is John
3 Chisholm. I'm from Levant. I've been on the Board of the
4 Municipal Review Committee for 12 years. This board
5 represents the 160 Maine municipalities that send their
6 municipal solid waste to the PERC facility in Orrington. In
7 my profession I'm a hydrogeologist for the Maine Department
8 of Transportation. My time on the MRC Board has educated me
9 about the importance of long-term, cost-effective waste
10 disposal options for the State of Maine. We're very proud
11 of the way our member communities have worked together to
12 establish and maintain a waste disposal facility. It's an
13 enormous operation. The PERC plant disposes of 30 percent
14 of Maine's annually-generated municipal solid waste with
15 stable pricing and an environmentally sound manner. A
16 crucial aspect of maintaining this stability is the
17 long-term availability of a location for ash disposal. This
18 issue is so important to PERC and the MRC that when the RFP
19 was issued for the management of the West Old Town landfill,
20 we considered submitting a bid ourselves. We undertook our
21 own due diligence, including a separate environmental
22 analysis. We are very fortunate to have talented and
23 technically capable board members on the MRC. In addition
24 to my own background in geology and hydrogeology, we have
25 professional engineers and others with regulatory and

1 environmental experience. Our ultimate decision not to
2 submit a proposal was not based on environmental reasons or
3 concerns; rather, it was based solely on economic
4 considerations. Our review of the existing permit
5 information and other environmental analysis led us to
6 conclude the West Old Town site is an appropriate location
7 for this landfill. The MRC has firsthand experience with
8 permitting and licensing issues associated with landfills
9 and solid waste facilities. We're familiar with the
10 thorough review process undertaken by the DEP. My review of
11 the draft permit indicates that the DEP has specifically
12 addressed the permit criteria and technical issues. Their
13 conclusion to approve the amendment is based on a thorough
14 consideration of all technical data. We support the
15 licensing for the West Old Town landfill. We urge the Board
16 to make prompt issuance for the final permit. Thank you for
17 this opportunity. I would be happy to take any questions.

18 MS. WALSH: Any questions for Mr. Chisholm?
19 Thank you.

20 MR. CHISHOLM: Thank you.

21 MS. WALSH: Dr. Lommler, I realize that your
22 hand was up, and I know that -- I don't know where the
23 questions were, that opportunity for questions were
24 directed, and I don't want to open it up for a question and
25 answer on the floor. I want to give everyone the

1 opportunity to speak. I know, Dr. Lommler, you are
2 scheduled to speak later. If you wouldn't mind holding your
3 questions until later, that would probably be most
4 appropriate.

5 DR. LOMMLER: As long as he'll be here to
6 answer them.

7 MR. CHISHOLM: I'll be here until the 10:15.
8 break, if that's the question.

9 MS. WALSH: This is not a forum to have a
10 question and answer necessarily with the audience. I want
11 to give everyone the opportunity that has signed up to speak
12 this morning that opportunity. It's difficult for the
13 reporter to hear you.

14 MR. DOYLE: Excuse me. Could we follow the
15 protocol that was set forth? We didn't have people
16 questioning members of the audience last night from the
17 audience, and I don't understand why we're possibly
18 contemplating a change of that protocol now.

19 MS. WALSH: I'm not contemplating that.

20 UNIDENTIFIED SPEAKER: Why not? You have all
21 the answers.

22 MS. WALSH: Sir, I just need everybody to
23 know that people have signed up to speak, and I want to make
24 sure everyone has the opportunity to do so. You will have
25 the opportunity to speak. Dr. Lommler, you know the

1 procedure. We've talked about it.

2 DR. LOMMLER: Right.

3 MS. WALSH: I really -- this is not a time to
4 do this.

5 DR. LOMMLER: My only comment then is that
6 speaker should not have asked for questions if we can't ask
7 him.

8 MR. DOYLE: He wasn't asking you.

9 DR. LOMMLER: Oh. You were just directing it
10 toward the panel?

11 MR. CHISHOLM: I was asking the assembled
12 board, sir, whether or not they had questions on my
13 presentation. Thank you.

14 MS. WALSH: Thank you. Susan Lessard. State
15 your name and where you're from.

16 MS. LESSARD: My name is Sue Lessard. I live
17 in Brewer, and I'm here as a representative of the Town of
18 Hampden because I am it's Town Manager. I'm here to address
19 three areas of the landfill amendment application under
20 consideration. First is the issue of odor control. The
21 technology proposed for use in West Old Town is identical to
22 that currently in use in the Town of Hampden. The active
23 gas extraction system used virtually eliminates landfill gas
24 as an odor at the landfill. While there are a number of
25 odors associated with a landfill, in the Town of Hampden

1 landfill gas is no longer an issue. The fogging, misting
2 system for the working face drastically reduces the amount
3 of other odors that get off site by the use of neutralizing
4 agents. The odor monitoring system 24-hour complaint line
5 and odor science monitoring training as a joint effort
6 between the landfill and the community have improved the
7 situation. Are there still off-site odors? Yes, sometimes
8 there are, but it is important -- it is critical to remember
9 that this is, after all, a landfill and a standard to be met
10 is not one of zero tolerance. To really put this in
11 perspective from a layman's point of view, I was attending a
12 meeting in Old Town a couple of weeks ago, I drove up Route
13 2 to get here. With all respect to the mill, which is
14 certainly a vital economic force in this area, some distance
15 from the mill I stopped my car and sat with my windows
16 rolled up and realized that -- I have been trained in odor
17 science monitoring for the past three years, and I'm
18 certified to rate intensity level of odors on the butanol
19 scale, which is the industry standard for this. As I sat
20 there in my car, I realized that the odor that I was
21 experiencing was higher in intensity level than any landfill
22 odor complaint I had investigated for the Town of Hampden.
23 It seems to me that perhaps that odor is a more constant
24 presence here in Old Town due to the presence of the mill
25 and the fact that that's part of it. When people consider

1 odors, they need to keep in perspective what we're talking
2 about. What we're talking about is not something that would
3 exceed an odor that's already a part of our daily life here.
4 The second standard -- oh. In addition, the West Old Town
5 landfill has no odor controls in place currently. The
6 addition of other disposal items as well as the odor control
7 measures that are proposed should actually improve odor
8 levels at the landfill. The second standard is the one
9 regarding the host community benefit package that is
10 proposed as part of the West Old Town landfill application.
11 That again is modeled after the package that was negotiated
12 as part of phase 8-C of secure three at the Pine Tree
13 landfill in Hampden. This package I will tell you greatly
14 exceeds the basics that are required in the law, and it has
15 been the subject of not only great interest in state but out
16 of state as well because it is known for its
17 comprehensiveness and specifically for the fact that it
18 formally recognizes and compensates abutters as an affected
19 party. This is a substantial -- offers a substantial
20 benefit of property value protection for abutters and a host
21 community fee for the community on a per ton basis. I can
22 tell you the host community fee for the Town of Hampden has
23 been somewhat critical in the past several years as we have
24 developed a business park and not sold sufficient lots to
25 offset the debt service. The host community fee has

1 stabilized our tax rate. Also on a very important note, I
2 would like to mention that neither abutters nor the Town of
3 Hampden have in any way abrogated any of our rights with
4 regard to this landfill by participation of these
5 agreements.

6 MS. WALSH: Ms. Lessard, I want to remind you
7 of one minute.

8 MS. LESSARD: Finally, if the standards in
9 the solid waste laws are met in regard to this license
10 amendment application, as the staff has concluded that they
11 have, it is incumbent upon the department to issue the
12 license. Siting of additional landfill space has been a
13 state responsibility since 1987, and there are communities
14 such as the Town of Hampden who have been doing the heavy
15 lifting in this area for more than 30 years. The best
16 location for a landfill is not a green field site, and the
17 West Old Town site has been determined to be environmentally
18 safe, sound, and has been in operation since 1996. Thank
19 you very much. Does any of the board have questions?

20 MS. WALSH: Questions from the board? I just
21 want to remind folks that they need to speak slowly. We
22 need this court reporter to last the day, so please
23 cooperate with her and make her life easier. Even when I
24 give you your one-minute warning, that's not a green light
25 to speed up. Joseph Greenier, please. Is he here? No.

1 Okay. Larry Folsom. Speak your name and where you're from.

2 MR. FOLSOM: My name is Larry Folsom. I'm
3 from Brownville. I am currently the Chairperson of the
4 Budget Committee and the Planning Board in the Town of
5 Brownville as well as an independent businessman with
6 businesses in several locations in Maine. I also serve as
7 the President of the Board of Directors for the Municipal
8 Review Committee. The Municipal Review Committee is an
9 entity which represents the interests of 160 plus Maine
10 communities who dispose of trash at the PERC plant in
11 Orrington, Maine. We are also part owners of the PERC
12 facility. MRC has been very interested in the application
13 process for the West Old Town landfill. We have previously
14 submitted written comments on the application. Some of my
15 fellow board members are here in attendance and have already
16 testified as well. We also participated very closely in the
17 process leading to the filing of this application. We
18 testified before the Legislature on the legislation allowing
19 SPO to enter into agreements to operate the landfill, and we
20 even considered submitting a bid during the RFP process in a
21 possible attempt to become the operator of the landfill
22 ourselves. In our original testimony before the Legislature
23 in our comments on the application the MRC has stressed that
24 it supports the development of the West Old Town landfill
25 with the caveat that appropriate controls are placed on the

1 operation of the landfill to prevent the acceptance of
2 unprocessed MSW. Landfill air space utilization and it's
3 long-term availability for disposal or residual materials
4 from the state's trash to energy facilities are important
5 and legitimate public concerns. We believe that this issue
6 has been adequately addressed in finding number 13 of the
7 draft order, which restricts acceptance of unprocessed waste
8 at the landfill and provides adequate control. The
9 long-term availability of the landfill for disposal of
10 residual materials from the PERC facility is essential to
11 the future stability of waste disposal costs for the MRC
12 members, which for all member communities is a significant
13 municipal budget item. This is not a theoretical issue.
14 The need is real. Should the West Old Town landfill not be
15 approved, PERC would need to have an alternative disposal
16 option available within two years. Pursuing alternative
17 options for disposal could result in as much as a 20 percent
18 increase in the tipping fees paid by MRC member communities,
19 which would greatly compromise the significant efforts MRC
20 has made to ensure long, stable waste disposal costs for its
21 members. As a public entity involved in solid waste
22 management, MRC is very aware that these issues can be
23 contentious and that public consensus is not always
24 achievable. We rely upon the Department to ensure that the
25 development of the West Old Town landfill is environmentally

1 acceptable. Based on the information that we have reviewed
2 and the safeguards that have been built into the permanent
3 amendment, we believe the Department has achieved this and
4 that the project is in the best interest of the people of
5 Maine. We urge the Department to approve the permit
6 amendment order in a timely manner. Thank you very much for
7 your time.

8 MS. WALSH: Questions from the board?
9 Cynthia Lutz. State your name and where you're from, please.

10 MS. LUTZ: My name is Cynthia Lutz, and I'm
11 from Alton. I have four questions that I hope will be quick
12 and then some comments. A question for Peter Maher. You
13 gave information yesterday that there would be three layers
14 of the landfill liner. One you said would be a geosynthetic
15 clay, one would be HDPE, and I missed the third. What is
16 that?

17 MR. MAHER: Two feet of recompacted clay to a
18 permeability of no greater than 1 times 10 to the negative 7
19 centimeters per second.

20 MS. LUTZ: And as part of my question --

21 MS. WALSH: Ms. Lutz, can I ask you to slow
22 down a little bit?

23 MS. LUTZ: I'll try. I'm nervous.

24 MS. WALSH: Take a deep breath.

25 MS. LUTZ: Yesterday you said that one thing

1 that makes this such a great site is up to 75 feet of
2 compacted glacial till. You also said that you're going to
3 excavate to base grade. I wondered how much of that glacial
4 till gets excavated.

5 MR. MAHER: There will be a minimum of 10
6 feet of glacial till beneath the start of --

7 MS. LUTZ: Is it still a great site if
8 there's just 10 feet?

9 MR. MAHER: It's still a great site.

10 MS. LUTZ: Thank you. I have a question for
11 Don Meagher. Yesterday you said that you will be bringing
12 construction and demolition debris in from out of state.
13 How much construction and demolition debris do you expect to
14 bring in during your first full year of operation at that
15 plant? How much from out of state?

16 MR. MEAGHER: The out of state construction
17 demolition debris will go to a processing facility to
18 produce the biomass wood chip for the Georgia-Pacific plant.

19 MS. LUTZ: Right. My question is, how much
20 will come in from out of state and go to that processing
21 facility?

22 MR. MEAGHER: We'll bring in enough from both
23 in state and out of state sources to provide that 100,000
24 ton commitment to Georgia-Pacific.

25 MS. LUTZ: Will you bring more than needed to

1 provide that 100,000 ton requirement?

2 MR. MEAGHER: Oh, construction and demolition
3 debris will still be a waste stream category, in state
4 construction and demolition debris, into the West Old Town
5 landfill.

6 MS. LUTZ: I have a question for Tom Doyle
7 and also for the DEP. Will there be limits placed on this
8 amount of C&D that can be brought in from out of state once
9 this processing plant is operational, or will it then be
10 regulated under the same interstate commerce laws that allow
11 out of state waste to come into municipal solid waste
12 incinerators?

13 MR. DOYLE: You understand, first of all,
14 that the processing facility that Mr. Meagher is talking
15 about is not going to be located at the West Old Town
16 landfill site?

17 MS. LUTZ: Yes, I do.

18 MR. DOYLE: And it's not the subject of this
19 proceeding.

20 MS. LUTZ: I would suggest that it is related
21 to these proceedings because as part of the agreement with
22 the State Planning Office to operate this they have said
23 that they will be providing construction and demolition
24 debris, and they will be allowed to build a processing
25 plant.

1 MR. DOYLE: Well, this application is for a
2 vertical increase and additional waste streams brought to
3 this facility. The type of construction demolition debris
4 that you're talking about for this processing facility be
5 located somewhere in Maine is not the subject of the
6 proceeding. Nonetheless, yes, as Don has indicated, there
7 will be construction and demo debris brought in from in
8 state and out of state sources to supply that facility; and,
9 yes, that construction and demo debris is subject to the
10 interstate commerce clause.

11 MS. LUTZ: Thank you. My question for DEP.
12 Under what circumstances would wastes that test as hazardous
13 be allowed into this facility?

14 MS. CLARK: Under no circumstances would
15 hazardous waste be allowed into the West Old Town landfill.

16 MS. LUTZ: My comments are as follows. For
17 the DEP, you said no hazardous waste will be allowed. I
18 asked recently to see the results of toxicity tests of
19 materials recently accepted at Pine Tree Landfill. While I
20 did not see the results of all material tests, I found three
21 that claim to have tested at above acceptable levels. A
22 November 2003 sample from Rockland Marine Corporation
23 exceeded the TCLP lead toxicity limit at 7.7 milligrams per
24 liter. In August 2003 shipment from Irving Tanning Company
25 exceeded the TCLP chromium limit at 140 milligrams per

1 liter. A November 2002 sample from the Casco Waste Oil site
2 exceed the TCLP lead regulatory limit at 5.7 milligrams per
3 liter. I wonder, why were these allowed or why are they not
4 hazardous or how will this not be allowed at Old Town? I
5 wonder, were they mixed with something to lower their
6 toxicity? The EPA web site says that it is illegal to mix
7 hazardous waste with soil to reduce their toxicity. How
8 would mixing these with another substance reduce their
9 toxicity? In response to allowing as part of this process a
10 C&D processing plant to bring in out of state waste, if they
11 will then be regulated by interstate commerce, that will
12 mean that they will be allowed to bring in more out of state
13 waste. Yesterday we heard testimony that the state needs
14 more landfill capacity. If we allow a C&D processing plant
15 to be built that can bring in as much C&D as it can get,
16 this landfill will fill up early and will not provide the
17 capacity the state needs. If state landfill capacity is so
18 scarce that this one needs to be located in a residential
19 area, why are we doing things that allow more out of state
20 waste to be brought in? Another comment. I'm wondering if
21 you can say with absolute certainty that the pressures in
22 the 190 feet of trash above the leachate collection system
23 will not cause the pipes to break. I'm wondering if there
24 is any site that has piled 190 feet of waste on top of these
25 pipes that has shown that the leachate collection system

1 will not fail. I have concerns that this is an experiment
2 in seeing how much trash can be piled. I did not see
3 results of weight or pressure testing on pipe or other
4 leachate component stability in my review of the amendment
5 application. I would submit that these tests should be
6 done. I'd also like to know how you can keep the leachate
7 collection system from failing. Numerous studies have been
8 done on the ways leachate systems can fail. Being in the
9 business, I hope you're aware of these. Installing a filter
10 layer above the leachate collection system can slow the silt
11 in the pipes.

12 MS. WALSH: Ms. Lutz, you have one minute.

13 MS. LUTZ: Thank you. How can you control
14 the growth of microorganisms in the pipe? How can you
15 control chemical reactions that will lead to minerals
16 precipitating in the pipes or chemicals attacking the pipes?
17 Will you require, as some states do, that there be an annual
18 pipe inspection and clean-out? If the system fails, then
19 the entire premise of protecting the environment through
20 removal and treatment of leachate becomes invalid. I also
21 have concerns about the use of PERC and MERC ash as daily
22 cover -- final cover for the landfill. My concern is that
23 birds, seagulls, and other vectors may pick this up as they
24 are picking up materials out of the landfill and that this
25 landfill is located very close to state waters, that they

1 will then either defecate or sit in the waters and somehow
2 transfer the dioxins, the leads, the other heavy metals and
3 cancer-causing organics that may be in that ash into our
4 waters. I'm concerned about the eagles. The U.S. Fish and
5 Wildlife Service that says dioxin is a limiting factor in
6 eaglet production.

7 MS. WALSH: That's it.

8 MS. LUTZ: Thank you.

9 MS. WALSH: Any response from -- Tom, you've
10 got four minutes given the one-minute interchange, between
11 four and five minutes. It's hard to keep track.

12 MR. DOYLE: Tom Gilbert is going to address
13 the issue of the test results. Tom.

14 MR. GILBERT: One of TCLP components, I
15 believe it was chromium that you indicated exceeded the
16 regulatory limit -- chromium-tanned leather scrap, category
17 of waste, is exempt in the Maine hazardous waste rules as
18 long as the chromium is predominantly trivalent chromium.
19 If you were to look at rules, you will find that. The other
20 sample that was mentioned was Rockland Marine was one of
21 them. Occasionally it's either due to sampling technique or
22 some other interference. I have seen this happen
23 occasionally with clean wood burn ash from municipalities.
24 You'll get a spike in a lead or another parameter, and it's
25 not uncommon to allow them to re-sample and take a proper

1 composite of the ash pile or in this case sample ash grit
2 and retest that. I have not seen one come back that was not
3 below the regulatory limit following the retest. I believe
4 Cyndi can probably confirm that that's not part of the
5 protocol. The waste is not accepted until the tests pass.

6 MR. DOYLE: Pete Maher is going to address
7 the issue of height and pipe strength.

8 MR. MAHER: The calculations for pipe
9 strength are found in Appendix D of the application, and
10 these are standard design calculations for the strength of
11 pipes under these types of loads. If you do those
12 calculations, you'll see that the pipe -- you size the pipe
13 and the wall thickness of the pipe based on the loads that
14 they will encounter, and these pipes have all been designed
15 to accommodate those loads. The other issue you talked
16 about was various chemical reactions and clogging of the
17 pipes. There can be some clogging. There can be some
18 silting in the pipes. We've seen this in other landfills
19 before. That's why we provide clean-outs for every single
20 pipe beneath the landfill. We have access to each of these
21 pipes, and they are cleaned out on a regular basis to ensure
22 that this clogging does not occur.

23 MR. DOYLE: That's all.

24 MS. WALSH: Let me reiterate the process so
25 everybody is clear in the room. When someone comes up to

1 give a five-minute presentation, that immediately allows a
2 10-minute time frame, five minutes for the person making a
3 comment and posing questions, equally five minutes for the
4 responses to those questions. When there's an interchange
5 in the middle of a question and answer time, I deduct that
6 time from that, which is why I announced to these folks that
7 they had four more minutes. I'm just trying to keep it so
8 that everybody has equal time and so that it's very clear
9 and fair. Melvin Burke. Again, sir, if could you state
10 your name and where you're from.

11 MR. BURKE: Melvin Burke. I'm from Milford.
12 I'm an economist at the University of Maine, and I'm here to
13 testify against this proposed landfill. I would appreciate
14 it if you don't answer the questions until I'm done, and I
15 would appreciate that the state respond since this is state
16 owned and state licensed. First of all, I want to talk
17 about need. There's a lot of talk here about how we need
18 more landfill in the State of Maine. I read the documents,
19 2001 document on Maine solid waste, and it seems like Maine
20 has 400,000 tons of solid waste and 550,000 tons -- and it's
21 good for 10 more years, which is now two years later, maybe
22 eight years of a capacity. I fail to see the need for this
23 dump of 550,000 additional capacity for 15 years and, in
24 fact, for 30 years for the second amendment. It obviously
25 has to be out of state. I think Casella knows very well it

1 would not be viable if they didn't have at least a -- and
2 they say at least a minimum number of 550 additional
3 thousand tons for the next 10 years. I don't see a need.
4 It's going to be out of state regardless of what -- would
5 say, no out of state waste. It has to be out of state.
6 Maine doesn't generate that much waste. Whether you PERC it
7 and ash it, it's still pollution in the air or pollution on
8 the ground. Matter is not created nor is it destroyed.
9 Now, there's nothing in these agreements about jobs. I feel
10 sorry for my fellow neighbors here in Old Town who feel
11 they're going to get jobs out of this. Casella promises no
12 jobs. Georgia-Pacific promises no jobs. There are no jobs
13 in any of the agreements. This has nothing to do with
14 economic development. That's the first point. My second
15 point is what's in this for the state and what's in it for
16 the people of the state? They don't need this dump. It's
17 going to be out of state waste. Why should we take people's
18 out of state waste, number one? Number two, Casella is
19 going to get about a half million dollars -- half a billion
20 dollars. That's 500 million dollars in tipping fees.
21 Georgia-Pacific is going to get 26 million dollars. What
22 does the state get? What do the people of the state get?
23 They get an out of state waste dump, 12 million dollars. 26
24 million dollars Georgia-Pacific is going to get plus 30
25 million dollars subsidized tipping fees. Nice piece of pie.

1 I can understand why they're sitting here. I don't
2 understand why Georgia-Pacific isn't sitting here. Going
3 back to the agreement, it turns out that if you look at the
4 RFP, Casella did not meet the minimum financial
5 requirements, BBB and a bond. So to argue that MRC would be
6 a potential proposal for this dump is nonsense. They don't
7 have a BB rating, they don't have 26 million dollars, and
8 they can't get a 12 million dollar bond. So instead of not
9 meeting the requirements -- and this is for the SPO -- they
10 didn't meet the financial requirements, why wasn't that RFP
11 extended? [Indiscernible] in redesign to fit Casella's
12 proposal, the only proposal, which is highly competitive.
13 Now one other fine point. In the operating agreement it
14 says if Casella cannot meet the 15-year obligation to
15 Georgia-Pacific and its subsidized 2 million dollar a year
16 tipping fee, the state will pick up the obligation, a
17 limiting factor. The state is going to pick up the
18 obligation, a 30 million dollar obligation? I fail to see
19 how this is revenue neutral. Where is the state going to do
20 it? The last, of course, I think is simple. I'm not
21 opposed to waste, I'm not opposed to jobs, God forbid, in
22 this state. Why this mammoth dump, 30 -- 20 million tons
23 with the second extension, which the state will, by
24 definition [indiscernible] or absorb the subsidy costs.

25 MR. BURSON: One minute.

1 MR. BURKE: You've set yourself up to, in
2 fact, give the second extension, 20 million tons existing
3 capacity of landfill in the State of Maine today is about
4 400,000 tons. They claim that they have eight more years of
5 it. This will extend it to 40 years in one town in one
6 location that is, in fact, a user dump, a commercial dump
7 with dangerous sludge and mill waste to turn it
8 automatically magically into this transformation of public
9 and private ownership and lease into a commercial dump with
10 out of state waste -- excuse me for being emotional -- why
11 this one state? Why this one location? You call it
12 municipal. This is not a municipal issue. This is a state
13 issue. In fact, this is a northeast issue.

14 MR. BURSON: Time is up.

15 MR. BURKE: I would appreciate it if the
16 state would respond to these questions first.

17 MR. MACDONALD: George MacDonald, State
18 Planning Office. Thank you for your comments. According to
19 the data we collected in 2001, people in Maine, businesses
20 in Maine, generated just over 1.8 million tons of waste.
21 That was for 2001.

22 MR. BURKE: Landfill I said. I said
23 landfill.

24 MR. MACDONALD: Landfill in 2001, if you look
25 at some numbers -- yesterday there was a question, and I did

1 some phone calls this morning to my office. The question of
2 landfill tonnages in 2001, MSW landfilled, 140,000;
3 construction demolition debris 323,000 tons; residue strains
4 from incinerators, 262,000 tons, for a total of around
5 725,000 tons. That was in 2001 landfilled in the state,
6 Maine generated waste.

7 MR. BURKE: That's not in your document.

8 MR. MACDONALD: These are the numbers in the
9 document.

10 MR. BURSON: Excuse me, sir. You asked that
11 you be allowed to speak without interruption. I would ask
12 the same to --

13 MR. BURKE: Can I get a response to that?

14 MR. BURSON: Would you please let him finish?

15 MR. BURKE: I will.

16 MR. MACDONALD: In regards to out of state
17 waste, no out of state waste will be delivered to this
18 facility. When we look at the out of state waste, I think
19 it's important for us to step back and look at the 1.8 mill
20 tons of waste that we generate in the state every year. Of
21 that tonnage in 2001, just over 37 percent of that was
22 recycled. It was taken out of the waste stream that was
23 designated to be shipped to a landfill or incinerator, that
24 37 percent of the 1.8 million was just under 700,000 tons of
25 what we consider wastes were recycled. The large majority

1 of that waste did not get processed into new products in
2 this state. It went out of state to be reprocessed into
3 materials that we have subsequently purchased, paper,
4 plastic, metal, and so on. In regards to this facility
5 being available perhaps to the entire state, yes, that's the
6 intent. It will be designed and managed to accept wastes
7 from all geographical areas of the state. We're not looking
8 to bring in out of state waste to be disposed of at this
9 facility.

10 MR. BURSON: Does anyone over on the side
11 wish to respond?

12 COMMISSIONER GALLAGHER: Before you go on,
13 there was a question about financial requirements.

14 MR. BURSON: Financial requirements?

15 COMMISSIONER GALLAGHER: Right.

16 MR. DOYLE: Did you get that one down, Tom?

17 MR. MACDONALD: In response to the comment
18 regarding the RFP, Casella did not have a BBB financial
19 rating. However, they have posted between bonds and cash 50
20 million dollars that was required in lieu of meeting the BBB
21 rating. So they have done that part. We agree they do not
22 meet the minimum financial rating, but they have put up cash
23 and bonds to meet the 50 million dollars.

24 MR. BURKE: After they had been accepted?

25 MR. MACDONALD: Excuse me?

1 MR. BURKE: After they had been accepted?

2 MR. MACDONALD: No. It was required prior
3 to. The acceptance letter that we submitted to Casella
4 required them to provide the 50 million dollars in
5 assurances.

6 MR. BURSON: Thank you. Rather than start
7 another five-minute clock, we're scheduled to take a break
8 at 10:15. It is now on my calculations 10:14. We will take
9 a 15-minute break.

10 (OFF RECORD)

11 MR. BURSON: Persons wishing to speak who
12 have not yet spoken at the meeting will have the first
13 opportunity to speak. I should tell you that our list of
14 people wishing to speak certainly now takes us into the 2:00
15 period. We're not going to get in between now and noon
16 everyone who has already registered to speak. We will
17 continue to take those in order. That means that people who
18 have spoken on the record yesterday are still at the back of
19 the line. Our commitment from the beginning has been
20 everyone has an opportunity to speak once before we get back
21 to those a second time. With small apologies, due to my
22 error we put him a little bit back in the pack. Paul
23 Thomas.

24 MR. THOMAS: Good morning. My name is Paul
25 Thomas, and I live here in Old Town, Maine. I guess my

1 first question would be to the man that works for Casella,
2 Don Meagher. Your proposal through the State of Maine is to
3 bring in how many tons per year to this dump?

4 MR. MEAGHER: In our proposal to the state we
5 estimated annual tonnage into the West Old Town landfill of
6 about 500,000 tons a year.

7 MR. THOMAS: If this proposal for 500 tons a
8 year --

9 MR. MEAGHER: 500,000.

10 MR. THOMAS: If it is met in six to eight
11 months, does the dump close for the last four months of the
12 year?

13 MR. MEAGHER: No. There's no annual
14 limitation.

15 MR. THOMAS: So why did you put a proposal of
16 this many tons when this really doesn't mean anything?

17 MR. MEAGHER: It's our estimate.

18 MR. THOMAS: I guess my next question is for
19 somebody from the state. If they bring in an estimated
20 550,000 tons per year to this dump, how many years is it
21 going to take to fill the 68-acre footprint right now?

22 MR. BURSON: I think that would be directed
23 at George.

24 MR. MACDONALD: Keeping in mind that a ton of
25 waste may not equal the cubic yard of landfilled capacity,

1 the projected annual delivery of trash for the permitted
2 capacity we're asking for, 10 million cubic yards, should
3 last 13 to 15 years.

4 MR. THOMAS: At what they propose per year
5 that dump will last -- the 68 acres that they're talking
6 about right now will last how many years?

7 MR. MACDONALD: The permit for 68 acres and
8 the license amendment, should we get it, would provide for
9 10 million cubic yards of capacity, and that would last 13
10 to 15 years.

11 MR. THOMAS: My question for someone from
12 Casella. Do you already know you're going to get another
13 permit to expand after this 68 acres?

14 MR. MEAGHER: We know we're going to apply
15 for an expansion. We don't know that we're going to get it.

16 MR. THOMAS: So this 550,000 ton proposal per
17 year, that's just an estimate?

18 MR. MEAGHER: That is, yes, an estimate.

19 MR. THOMAS: So for all the studies that have
20 been done, traffic, number of trucks, noise, dust, if what
21 they propose to bring in is just an estimate, then all your
22 work has been just an estimate, correct? Did you answer my
23 question, sir?

24 MR. DOYLE: Did I? You said something to
25 him.

1 MR. MEAGHER: Our application is what our
2 application is.

3 MR. THOMAS: So the word in your proposal is
4 really just an estimate or is this --

5 MR. BURSON: Let me ask whether the terms of
6 the application are couched in terms of requiring an
7 estimate.

8 MR. DOYLE: An applicant is required to
9 estimate the amount of tonnage it is going to bring into the
10 facility. We've done that. Based on that plus all the
11 other criteria that the applicant is required to satisfy, we
12 have provided volumes of material demonstrating that we meet
13 the standards. Those are studies, they are visual impact
14 analyses, noise reports. The volume of waste to be disposed
15 of in the facility is just one component of it.

16 MR. THOMAS: So if what you people propose to
17 bring in here per year, the dump is going to last just 15
18 years? Are you already looking for another site for another
19 dump after this one is filled up?

20 MR. MEAGHER: Once again, at the projected
21 fill rate for the application that is before the DEP right
22 now for 10 million cubic yards, the estimate of the life of
23 that project is 12 to 15 years. We will follow this
24 application by an expansion application for additional
25 capacity at that site. Our term with our contract with the

1 state for this facility is for 30 years.

2 MR. THOMAS: So before you can get an
3 expansion permit, you can only put what's going to be maybe
4 for 12 to 15 years. How can you tell us that it will be a
5 30-year dump without you getting that extra license? You
6 cannot do that.

7 MR. MEAGHER: Until we get that additional
8 expansion, yes, it will not be a 30-year term.

9 MR. THOMAS: Why are you calling it a 12 to
10 15-year dump? Do you know something that we the people here
11 in Old Town do not know?

12 MR. MEAGHER: I've answered your question.

13 MR. THOMAS: Let me ask the same question to
14 somebody from the state. If this dump is filled, the 68
15 acres that are already there -- if this dump is filled in 12
16 to 15 years, are they going to be issued another permit?
17 Have you been told to issue these people another permit from
18 the powers above? You know that comes -- that's down the
19 street in Augusta.

20 MR. MACDONALD: If I may attempt to answer
21 your question, sir. The contract that the State Planning
22 Office has with the Casella is to provide for operations of
23 the landfill based upon their proposal. That proposal
24 includes assuring that there is disposal capacity available
25 for Georgia Pacific's mill in Old Town for 30 years. That

1 is the 30-year reference. Casella has taken on the
2 responsibility to ensure that disposal capacity for the mill
3 waste is provided for for 30 years. Part of that involves
4 applying for an expansion of the existing landfill at some
5 point in the future.

6 MR. THOMAS: So what you're saying is before
7 they get this extra license -- it makes it sound like you're
8 going to have to grant them the license to pacify the people
9 down the street. How can they say this is a 30-year dump
10 when with the numbers they propose to bring in here it's is
11 going to last 12 years?

12 COMMISSIONER GALLAGHER: I will go back to
13 answer the question that you had of me, whether we have been
14 told to already approve an expansion beyond this increase,
15 and then I will hand the mike back to George to answer your
16 follow-up question. I just want to be very clear, very
17 clear and on the record, I have not been told -- I have not
18 been told by anyone that we needed to approve an expansion
19 or anything. This is the only permit that's in front of us
20 at this time. No one has said to me, Dawn, you have to
21 approve an expansion beyond this. I just want to be very,
22 very clear on that.

23 MR. THOMAS: How can Casella tell us it is a
24 30-year dump?

25 MR. BURSON: Excuse me. I think I might be

1 able to uncover this dilemma. In any case, your time is
2 very nearly up.

3 MR. THOMAS: Until my time is up, I'll talk.
4 Thank you. Your five minutes will be after. How can --

5 MR. BURSON: I would like to remind you of
6 one of the ground rules. The ground rule is that the
7 facilitators manage the process. That means that I am
8 responsible for assuring this process.

9 MR. THOMAS: You told us earlier to speak in
10 turn. You're not in turn right now.

11 MR. BURSON: Facilitators manage the process.
12 I am the facilitator. I will ask you to sit down if you do
13 not give me an opportunity to finish the statement I made a
14 minute ago.

15 MR. THOMAS: I guess go ahead.

16 MR. BURSON: I am trying to clarify what I
17 believe I heard, which is there is a difference between the
18 guarantee by the state to provide space for paper mill waste
19 for 30 years from the provisions for the total waste to be
20 deposited, which George estimates at 12 to 15 years. Is
21 that correct?

22 MR. MACDONALD: Yes.

23 MR. THOMAS: So after the 12 to 15 years
24 where is the mill going to put their stuff if that is
25 already built to capacity?

1 MR. MACDONALD: If the license amendment that
2 we're applying for is approved and we have 10 million cubic
3 yards and that is exhausted and we're unable to secure
4 additional capacity at that site, Casella is responsible for
5 finding disposal capacity for the mill waste at another
6 facility in the state.

7 MR. BURSON: If I hear that correctly, the
8 mill waste is guaranteed for 30 years. I believe your time
9 and the response time is up.

10 MR. THOMAS: One more quick question, please.

11 MR. BURSON: I'm sorry. Your time is up. Is
12 Joseph Greenier here? Mr. Greenier, you're next.

13 MR. GREENIER: Good afternoon. My name is
14 Joseph Greenier. I'm from Stockton Springs. My wife and I
15 are promoting the Maine Core Values, which is state law
16 since 1999 as concerned citizens. We also back in July got
17 a letter from the Governor promoting -- thanking us for
18 promoting these values. Now, what I would like in part is
19 some of our answers from our requests to Dawn and the
20 Commission here to some of our concerns, and basically in
21 part was that years ago I was a papermaker from the
22 Bucksport mill, and in their landfill as a rigor we dumped
23 barrels and barrels of chemicals. What I would like to know
24 is, is there any chemicals buried in this landfill, for one,
25 such as other private landfills? Two, some of our concerns

1 with my past company, Champion International, now
2 International Paper, which got fined after breaking the law
3 for 15 years and had -- the DEP or whomever just allowed
4 them to be self-regulating. What I heard yesterday from
5 Casella, I believe, was pretty much that's what they are
6 already doing themselves. Part of my concern is the DEP, as
7 well as all parties involved here, to honor the Maine Core
8 Values, which is respect, honesty, compassion, fairness,
9 responsibility, and courage. Was this process from start to
10 finish under the core values, and do you know what I'm
11 talking is about? I'll wait for a moment to get some
12 answers, and then I'll --

13 MR. BURSON: The first question, if I have it
14 right, had to do with whether the current landfill has
15 chemical residues left from the previous paper making
16 operation; is that correct?

17 MR. GREENIER: Correct.

18 MR. BURSON: Is that a department question?

19 MR. GREENIER: I will also give these to put
20 into the records.

21 MR. BURSON: Thank you.

22 MR. GREENIER: There's actually two copies.
23 One can go to them and one can go to others.

24 MS. DARLING: Cyndi Darling, the project
25 manager. I have been to that landfill many times since it

1 opened in '96, December of '96, and I've never seen any
2 indication that anything was buried there that wasn't
3 allowed to be buried there.

4 MR. GREENIER: You're referring to this that
5 we're talking about today?

6 MS. DARLING: Yes.

7 MR. FARRAR: I've also been there on a number
8 of occasions, and I've never seen any indication of anything
9 that would tell me that there's materials in there that
10 should not be.

11 MR. BURSON: Tom, do you have the second one?

12 MR. DOYLE: Just to comment on that, if I'm
13 not mistaken, the State Planning Office prior to purchasing
14 the landfill from Georgia-Pacific had an environmental
15 baseline study done of the landfill, which included a metal
16 detection analysis for barrels and the like and came up
17 negative. The second question, core values, I don't think
18 that was addressed to me.

19 MR. BURSON: Can you remind me again what the
20 second question was?

21 MR. GREENIER: I don't recall at this time,
22 but basically we're promoting the core values, and we
23 believe that the process should be started and finished with
24 the core values, which is respect, honesty, compassion,
25 fairness, responsibility, and courage. This is a Maine law

1 since 1999. Most people are not aware of it, not even the
2 Legislators that actually passed this law. We've been down
3 to the Legislature for four or five years now and in the
4 last two years devoted ourselves to these core values, which
5 most agencies are not abiding we them, but we would like
6 them to. Thank you.

7 MR. BURSON: We take that as a comment.
8 Thank you.

9 MR. GREENIER: I'm not done. What I would
10 like to do is get some comments from Casella as well as the
11 rest if they will honor these core values. I gave two
12 packages to them. I will give you another one to give out
13 over here.

14 MS. WALSH: Is this a different copy?

15 MR. GREENIER: There's more than one party
16 including the law firm, right, Pierce Atwood?

17 MS. WALSH: Yes.

18 MR. GREENIER: We have -- in my capacity as a
19 mill worker, and I no longer work for the company, I
20 witnessed many times what I hear today, and I'm going to
21 relate some of --

22 MR. BURSON: You have one minute.

23 MR. GREENIER: We can guarantee jobs and
24 promises even into writing, but it doesn't necessarily work
25 out that way. My concern is the health and welfare of the

1 people around here. I still haven't had any comments on the
2 paperwork that I did give you. I don't believe there is
3 anything there. That's not under oath, and it's only
4 hearsay. Even though supposedly things are under oath here,
5 they will not hold up in court. I would like to hear some
6 comments if they can adopt these core values and believe
7 that they've gone through -- actually say that they've gone
8 through the process start to finish and future processes
9 under the Maine Core Values.

10 MR. BURSON: Thank you. Your time is up.
11 Tom has a couple minutes to respond, if he wishes.

12 MR. DOYLE: I'm not familiar with your
13 materials. I was just handed them. The core values that
14 are cited here, respect, honesty, compassion, fairness,
15 responsibility, courage are certain admirable values, and it
16 seems to me that a lot of those are implicit in solid waste
17 laws and rules that the Department has adopted over the
18 years, and we're here -- we've applied to meet those
19 standards and we believe we've met them. As to whether
20 those values are in State law as a separate law, I can't
21 comment because I'm not familiar with them.

22 MR. BURSON: The next person who has
23 registered to speak is Allan Collamore more. Is he here?

24 MR. COLLAMORE: I'm Allan Collamore from Old
25 Town Maine. I work for Georgia-Pacific Corporation. I have

1 just a few questions. The first question relates to solid
2 waste disposal methods. I would like to know if there's any
3 scientific or engineered method yet available other than the
4 landfill issue that we are dealing with now. That would be
5 question one. Several comments. One is I haven't heard
6 anybody yet come up here and say they know of any safe or
7 new way to dispose of anything. Pretty much anybody sitting
8 in this room also have been creating waste while they're
9 here. I'm just wondering if they know where that is going
10 to right now. One comment for -- a question, I guess it is,
11 for the Hampden landfill, the people that run that now. I'm
12 wondering how long that has been in existence and
13 operational and if there's any known increased health
14 hazards that have been created by this. If so, could
15 anybody share them with us. The other comment is, if we're
16 going to have a landfill, which I think we do have an
17 extension of one, I'm sound and sure that I would much
18 rather have people who are professionally involved running
19 it, the DEP and Casella. That's why I am here to support
20 the amendment to the application. Thank you.

21 MR. BURSON: Thank you, sir. Tom, have you
22 got those?

23 MR. DOYLE: Pete Maher is going to respond to
24 the question about -- is there another type of facility --
25 engineered facility other than landfills.

1 MR. MAHER: I've been in this business for
2 about 30 years, and I've seen a lot of changes, improvements
3 throughout that time and what has been happening in the area
4 of solid waste disposal. When I first started, there was
5 about 350 landfills in the State of Maine. Since that time
6 the state has tried to move people away from throwing
7 everything out and burying it. I don't know what the exact
8 numbers are today, but I believe that we bury considerably
9 less than we used to. The reason for that is that we are
10 now incinerating quite a bit of the waste and generating
11 power from that process. We're recycling quite a bit of it,
12 and we're reusing quite a bit of it. Ultimately there's
13 always going to be a residue that has to be disposed of.
14 All we can do at this point in time is make these landfills
15 which we are designing to be as safe as possible because
16 they are a necessary part of the whole process and a part of
17 the whole solid waste management structure everywhere.
18 There are and there always will be improvements to recycling
19 and reusing the various wastes we generate, but in our
20 lifetime there's always going to be a need for landfills.

21 MR. DOYLE: I'm going to ask Don Meagher to
22 respond to the question about whether there's been any
23 increased health hazard at the Pine Tree Landfill.

24 MR. MEAGHER: The Pine Tree Landfill in
25 Hampden has been in existence since 1975, so we are

1 approaching 30 years there at that site. No health hazards
2 associated with that facility at all.

3 MR. BURSON: One more question. I'm going to
4 let George have this question. Do we know where the waste
5 generated by this meeting is going?

6 MR. MACDONALD: I believe the waste in Old
7 Town is shipped either directly to or through the transfer
8 station in Old Town to the incinerator in Orrington known as
9 PERC.

10 MR. BURSON: The next person registered to
11 speak is Bruce Theriault.

12 MR. THERIAULT: My name is Bruce Theriault.
13 I live in Old Town and I also work at G-P. I want to make a
14 few comments, if I can. I've heard a lot of concerns out
15 there, pros and cons, from both sides. A lot of them are
16 true. Some of them, I think are false accusations. I don't
17 think I've ever been in a room and seen so many degrees on
18 one subject except when my daughter graduated from the
19 University of Maine. This is incredible. I live right near
20 the mill. I've lived there almost all of my life. I have
21 worked at the mill for 31 years. My father has worked there
22 for 40 years. My brother has worked there for almost 40
23 years. Their father's have worked there almost 40 years. I
24 hear the other group telling me, not in my back dooryard.
25 Well, I live in a backdoor yard with a mill. I know when it

1 smells. I know when the rain is coming from a certain area,
2 but I knew that when I bought my house there. When I hear
3 people from out of state coming here and telling me and my
4 family and the people that work at the mill and people in
5 our community how we should be doing our lives and how to
6 run it, I think that's wrong. They know the mill is here.
7 I see so many businesses in Old Town from the pie place,
8 woolen mills. I went to some of these meetings that they
9 had, the town meetings. I heard accusations anywhere from I
10 was being paid from G-P to be there. No. I was on my days
11 off. I went down to the hearing you had at the Ramada Inn,
12 and I got tape recorded from an individual. I asked him,
13 why are you tape recording me. I don't know if he has a
14 hidden agenda. I have no idea. This is a terrible way to
15 act on something like this. I just noted down a few things
16 here. I had a gentleman at the town meeting tell me that he
17 moved here from Florida, and he says that the pollution from
18 this landfill is going to poison him and everything else.
19 What I didn't understand was if he did some of his homework,
20 we have more acid rain being dropped over here in the State
21 of Maine than anywhere down in the southern part of the
22 states or anywhere else. I'm kind of rambling here. I'm
23 kind of nervous. A landfill, nobody wants one. I don't
24 want one, but I know we have to have one. After listening
25 to all the people here that have the degrees, I'm very

1 confident they'll make the right decision. I am supporting
2 this landfill a hundred percent. I don't want anybody out
3 there to feel sorry for me that I work at G-P. Don't feel
4 sorry. I'm going to fight and claw and everything else. I
5 want a job. I don't want to go like one of the union
6 brothers and sisters up north a little ways losing their
7 jobs. I hope that Mr. Baldacci and Jack Cashman, which are
8 doing a great job, fight for their jobs and get their jobs
9 back. That's pretty well all I've got to say. Thank you.

10 MR. BURSON: Thank you. Any comment or
11 response? The next person who has requested to speak is
12 Sandy Blitz.

13 MS. BLITZ: Good morning. My name is Sandy
14 Blitz. I'm Vice Chairman of the Town of Hudson Planning
15 Board. I'm here this morning representing the Board of
16 Selectmen. They've asked me to speak on their behalf. The
17 majority of the Board of Selectmen in the Town of Hudson has
18 gone on record in favor of this license to be issued. This
19 is based mainly on the fact of knowing there are citizens in
20 our town that have jobs at the mill or have recently lost
21 jobs at the mill and know how critical this license is to
22 having this mill stay in operation. I have a letter here
23 from the Board of Selectmen addressed to Commissioner
24 Gallagher, which I would like to read and enter into the
25 record. Dear Commissioner Gallagher, selectmen of Hudson

1 are very concerned about the amount of truck traffic. They
2 did have one concern, and this is what this letter is all
3 about. The selectmen of Hudson are very concerned about the
4 amount of truck traffic that could be coming through Hudson
5 when the Old Town landfill becomes operational. The trucks
6 will be passing right through the center of Hudson on Route
7 43. Route 43 is a narrow, winding road presently used by
8 heavily-loaded trucks transporting logs, chips, lumber,
9 chemicals, and other hazardous materials and was not
10 designed to handle the type of traffic and loads proposed.
11 I might add that Route 43 does not have shoulders. When
12 you're talking about vehicles of this size and nature, it's
13 a very dangerous situation. Portions of Route 43 are
14 posted, which indicates that this is a substandard road to
15 begin with. Our major concerns are the safety of the school
16 children, as there are many houses along the route, and the
17 school buses stop frequently, safety of commuters, as the
18 daily commuter traffic is heavy, the possibility of an
19 increased number of accidents due to the additional heavy
20 truck traffic, the deterioration of the roadway because it
21 was never constructed for loads of that weight, and the
22 possible littering of the roadway by trash and ash blowing
23 out of the trucks. Additionally, our fire department is not
24 equipped to handle a major spill. The center of Hudson is
25 congested with a convenience store, town hall, church, post

1 office, and a heavily used playground. There are at least
2 five uncontrolled intersections along Route 43 in Hudson
3 where camp and subdivision roads come in. There are
4 year-round homes and seasonal camps on these roads. We urge
5 the congressional delegation and the Governor to work toward
6 increasing the weight limit on Interstate 95 north of
7 Augusta to accommodate the heavy truck traffic going to the
8 proposed West Old Town landfill. Sincerely, Don Grant,
9 Chairman. I would just like to add some comments that I
10 made at our recent town meeting. It's ludicrous and
11 nonsensical to have heavy trucks of 80,000 to 100,000 pounds
12 going on the worst roads in the state as opposed to going on
13 the best roads in the state, which are the Interstate
14 highways. We have to have the Federal Government -- I know
15 it is not a Federal Government issue, but this is directly
16 intertwined with this problem that our selectmen have
17 pointed out. We're not the only ones, I know. Other
18 communities have made the same arguments about having heavy
19 trucks going through their communities on roads that can't
20 service this kind of truck traffic. Any questions at this
21 point?

22 MR. BURSON: Thank you. Any response?

23 MR. DOYLE: Bill Eaton of Eaton Traffic
24 Engineering did our traffic study. I know he looked at
25 Route 43. Bill.

1 MR. EATON: Route 43 through Hudson is, in
2 fact, one of the routes that was identified in an analysis
3 done by the Maine Department of Transportation, but I would
4 also hasten to add that within a one-hour period we expect
5 there to be approximately five trucks going from their
6 origin to the site. There are five different routes. In
7 looking at those routes, turning off on Route 220 in Troy
8 going up through Palmyra, Newport, Corinna, and across
9 Hudson in my opinion is not likely to be terribly attractive
10 to a lot of the truckers coming in from the south. My guess
11 would be that you would be -- that combined with the fact
12 some of your roads are posted during the spring, it's just
13 not going to make it that desirable a route. I think the
14 point of the Maine Department of Transportation's
15 preparation of all that route analysis was to illustrate
16 that there are a number of routes, and those five routes
17 that they identified are not the only ones, by any means.
18 There are other ways of getting there. All of these trucks
19 obviously can legally run over any road in the State of
20 Maine at the specified weight. I think you have to sort of
21 temper your concern with looking at what's realistically
22 going to be a trucker's selection of a route. I suspect
23 that through the middle of downtown Hudson is not that
24 route, even though it is admittedly possible.

25 MS. DARLING: Steve Landry from the

1 Department of Transportation is here, and I'd like him to
2 respond to that question.

3 MR. LANDRY: Steve Landry with Maine DOT.
4 I'm the assistant state traffic engineer, and I'm the one
5 who reviewed this project for the traffic. I think Bill hit
6 everything, you know, right on the head. Any truck can run
7 on any roadway in the State of Maine. We were asked to take
8 a look at some major haul routes, and we looked at potential
9 routes that trucks could follow to get to this landfill.
10 The Route 220 route up to 43 is just one of those routes.
11 Will truckers take that? I don't know. It's going to be
12 depending on the time of day, time of year, whatever is
13 going to offer them the least resistance and the best travel
14 time. Time is money for them. You know, there may be times
15 of the year or times of the day that it's going to be better
16 to go one route over another. If we're looking at the
17 number of trucks we're talking about coming from the south,
18 there's five trucks during the peak hour. Even if all those
19 trucks did go on Route 43, five during an hour is one every
20 12 minutes. The likelihood of all five of them going along
21 that route is probably minimal. One truck every 12 minutes
22 is really not going to cause a lot of congestion. As for
23 the road being posted, there will be times of the year those
24 trucks aren't allowed to run on that route. We have lots of
25 posted roads in the State of Maine, and for a couple months

1 they may not be able to use that route. We did look at a
2 lot of the issues out there. I just don't see the volume of
3 traffic being added to those roadways is going to cause any
4 kind of problems that need to be addressed.

5 MR. BURSON: Thank you. Michael Lizotte. Is
6 he here? No. For people's interest, if we call a name and
7 that person is not here, they don't automatically go to the
8 back of the queue, but we try to find the next available
9 slot that they could fit in when they get here. If somebody
10 knows Mr. Lizotte, let me him know when he gets here that
11 we'll try and find a way to get him into the mix. The next
12 person is Amy Luce.

13 MS. LUCE: Good morning. My name is Amy
14 Luce, and I'm a resident of Brewer, Maine. I also work at
15 the Georgia-Pacific mill as a chemical engineer in both the
16 pulp and paper mill. I have been working as a process
17 engineer for 10 years at the Old Town mill, and I am here to
18 express my support for the West Old Town landfill amendment
19 application. If approved, this transaction between G-P's
20 mill, Casella, and the State of Maine will preserve 450
21 well-paying manufacturing jobs in our area. These come with
22 benefits and are exactly the type of work that Maine needs
23 to preserve. I have lived in this community almost all my
24 life, and I need this job to be able to stay in the area and
25 raise my family. If this amendment application is not

1 approved, the mill will not be able to install the new
2 boiler that will help to lower our energy costs and allow us
3 to make pulp and paper more competitively and remain viable.
4 Based on everything I've learned about the landfill, I am
5 convinced that this landfill is safe and will not be an
6 environmental threat to the community. Once again, I would
7 like to express my support for the West Old Town landfill
8 application. Thank you.

9 MR. BURSON: Any comments? Patricia Kennedy.

10 MS. KENNEDY: Hi. My name is Patricia
11 Kennedy, and I'm a resident of Alton, Maine, and I have
12 lived there for 20 years. My husband and I have put a lot
13 of the money that we have made back into our property and
14 our home. We've paid mortgages and taxes on these
15 properties, and I feel that not having a say in this dump
16 coming in is going to take away from the desirableness of
17 living where we live. We chose this area because it is a
18 great community to raise our children. I feel that there
19 are a lot of risks for my children if this dump amendment
20 goes through. My question to you is, what is the benefit of
21 having this in a residential area versus a nonresidential
22 area?

23 MR. BURSON: Would someone care to respond to
24 that?

25 MR. MACDONALD: The site is selected because

1 of its physical nature, geology, hydrogeology benefits, and
2 the current land use is not really something that is one of
3 the issues that we necessarily look at. It is an important
4 concern, however. I appreciate you being here.

5 MS. KENNEDY: You know, we hear about if
6 there's a bald eagle or a spotted turtle or some, you know,
7 endangered specie living in that area that you would not
8 consider putting a dump there. Well, we are living in that
9 area. You know, what is the value there is what I want to
10 know. Aren't people and the risks that are there valuable?
11 I was reading on the Maine web site where 44 percent of
12 Maine is undeveloped, some still untitled. Our state
13 doesn't need to put a dump in a residential area. I have
14 one clarification that I would like Dawn Gallagher to
15 respond to. In the amendment it says the proposed facility
16 was found not to cause an unreasonable threat to a
17 significant sand and gravel aquifer or to the fractured
18 bedrock aquifer. I want you to define what unreasonable
19 threat means.

20 MS. DARLING: I'll answer in general terms.
21 The solid waste rules do provide a definition of an
22 unreasonable threat to those resources, and it's based on
23 the travel time analysis and the contaminant transport
24 analysis that an applicant is required to produce, and that
25 travel time is six years. An applicant needs to prove there

1 is a six-year travel time to the identified sensitive
2 receptors from the landfill, three years from the leachate
3 storage system. That's the general -- I will ask Dick to
4 provide more information.

5 MR. BEHR: The sand and gravel aquifer, the
6 closest aquifer, I believe, southeast of the site, and
7 groundwater is not flowing in the direction of that aquifer.

8 MS. KENNEDY: How do you determine which way
9 the groundwater flows? I guess I don't understand that.

10 MR. BEHR: There are a number of monitoring
11 wells that are used, and this site has, I'm going to
12 guess -- estimate that there are probably more than 50
13 monitoring wells that have been used. We obtain water
14 levels from those monitoring wells, and those water levels
15 can be converted to elevations, and then we can contour the
16 lines of equal water elevation and make an estimate of where
17 water flows. In this case it's flowing in a southwesterly
18 direction towards the unnamed stream.

19 MS. KENNEDY: I have one other question. I
20 want to know -- you know, with the increased waste
21 classifications going into the dump and the amount of waste
22 stream going in, I want to know if there are any increased
23 risks for my children.

24 MR. BURSON: Who is doing the response on
25 questions about risk of health impacts?

1 MR. DOYLE: I was going to respond also to
2 the first question she raised of why does have to be in a
3 residential area. I don't know if you were here yesterday,
4 Ms. Kennedy, but --

5 MS. KENNEDY: I was here some of the time. I
6 wasn't able to be here the whole time.

7 MR. DOYLE: I don't know if you heard the
8 testimony, but there's a landfill there now.

9 MS. KENNEDY: There is.

10 MR. DOYLE: It's been there for several
11 years. It was part of a public hearing process 10 years
12 ago.

13 MS. KENNEDY: What I had read is 300,000 ton
14 over an eight year period has been put into that sludge dump
15 so far. That's what the amendment says here. It's going to
16 increase an estimated 550,000 ton. I think that's
17 significant.

18 MR. DOYLE: Well, there's no doubt it's going
19 to be an increase in capacity, but it's an existing site.
20 You can see from the aerial photo that it is, as landfills
21 go, relatively well buffered and remote from residences. I
22 don't know where you live in Alton, but I don't believe
23 you're an abutter.

24 MS. KENNEDY: I'm not an abutter, but I'm
25 close enough.

1 MR. DOYLE: I don't know if you're concerned
2 about your property. Casella has very proactive property
3 value protection program, and Don Meagher, if we need get
4 into that, can get into that in some detail, I suppose,
5 later. Health impacts. We test the waste streams that are
6 coming in on a regular basis. We have designed the landfill
7 to meet the Department standards. The department standards
8 take environmental concerns and human health into account
9 when they develop the standards. If you meet the standards,
10 then they will be protected. That, coupled with the fact
11 that this is a very -- hydrologically this is an excellent
12 site, as you may have heard John Sevee describe yesterday,
13 and so we don't believe there are going to be any health
14 impacts to the residents.

15 MS. KENNEDY: What I did pick up from
16 yesterday was that only 20 percent of the footprint was
17 hydrologically sound.

18 MR. DOYLE: No. It's all hydrologically
19 sound. John, would you like to expand on again why it's a
20 good site?

21 MR. SEVEE: The 20 percent that you're
22 referring to is there's a portion of the footprint where
23 groundwater tends to move upward. The upward moving
24 groundwater is not a criteria for siting a landfill.
25 However, in this particular case when we discovered this

1 site back about 10, 15 years ago, that was a favorable
2 attribute to this site because what it means is that any
3 spillage on the site, wherever it occurs within the
4 footprint of the landfill, migrates downward into the local
5 groundwater and then comes up local to the site and doesn't
6 go out into the regional aquifer, the bedrock aquifer, or
7 the sand and gravel aquifer that Dick mentioned.

8 MS. KENNEDY: Just one other question for
9 you. With the increase in the waste stream there's going to
10 be an increase in the production of leachate, right? Am I
11 correct? Well, I want to ask the rest of my question. It
12 only makes sense that it's going to increase the leachate.
13 It's going to increase the truck traffic going back down
14 through Alton and Old Town, so there's going to be trucks
15 going up 16 and back -- more trucks going back through,
16 right?

17 MR. MAHER: Just because the amount of waste
18 increases does not necessarily mean that the amount of
19 leachate increases. The amount of leachate is more a
20 function of the open footprint or the open amount of
21 landfill that you are using, let's just say. Right now they
22 use 7 to 8 acres of area to operate in, and they tend to
23 divide that into little sub cells, and the cells we're
24 talking about are 8 to 9 acres. The increase in the amount
25 of leachate -- there may be an increase, but it would be

1 very slight.

2 MS. KENNEDY: So there won't be an increase
3 of leachate trucks going to the mill? Is that what you're
4 saying?

5 MR. MAHER: I don't think there will be. I
6 think that the volume of leachate generated and, therefore,
7 the amount of trucks, they may increase slightly, maybe 10
8 percent, 15 percent, along those types of orders of
9 magnitude.

10 MS. WALSH: We have one more minute for this
11 interchange.

12 MS. KENNEDY: I'm all done. Thanks.

13 MS. WALSH: Any additional comments from the
14 board?

15 UNIDENTIFIED SPEAKER: Um --

16 MS. WALSH: We're not actually at a time
17 right now where we're accepting comments from the audience.

18 UNIDENTIFIED SPEAKER: This is procedural.

19 MS. WALSH: Have you signed up to speak?

20 UNIDENTIFIED SPEAKER: Yes, I have. I need
21 to know, because I don't have all day -- and I spoke
22 yesterday -- when I'm going to come on.

23 MR. BURSON: We have no idea.

24 MS. WALSH: I honestly can't give you an
25 indication at this time. I have several people that are

1 signed up that have not spoken.

2 UNIDENTIFIED SPEAKER: How many?

3 MS. WALSH: I imagine that will take us until
4 12:00. I think I have about six. Some of those people may
5 actually need to speak at 2:00. We have additional people
6 that have signed up for the 2:00 slot that have not spoken,
7 and those of you who spoke yesterday will have an
8 opportunity to speak after all those people. I can't give
9 you an indication at this time because people may come in
10 and sign up for 2:00 that have not yet spoken. In the
11 interest of allowing everybody the opportunity to speak,
12 that's the fairest way that we --

13 MR. BURKE: On your procedure I notice that
14 we speak, they answer, and we don't get a chance to answer
15 them.

16 MS. WALSH: Reed Thompson, please. Can I get
17 you to state your name and where you're from, please?

18 MR. THOMPSON: My name is Reed Thompson, and
19 I'm a resident of Alton, one of the two towns that are going
20 to be impacted by this solid waste dump. Personally I am
21 opposed to the dump. I think there are perhaps better
22 alternatives that could have been explored elsewhere, and I
23 think it's probably a sweetheart deal for both Casella and
24 Georgia-Pacific. However, if there's going to be a dump,
25 the communities affected ought to be compensated for the

1 harm that it's going to be causing those communities. In
2 the legislation -- in state legislation it speaks about --
3 this is directed to you, Mr. MacDonald. It speaks about
4 compensating the host community for the harm that is caused
5 by the dump, and it specifically mentions roads, emergency
6 response, monitoring, and it says that is not an exclusive
7 list of items to be compensated for, but those are at least
8 three. It speaks of specifically compensating the host
9 community, but it does not preclude compensating other
10 affected communities. There's nothing there that says other
11 communities cannot be compensated. Alton is certainly going
12 to be affected. Our emergency response is going to be
13 responding to any accidents or fires at that dump. It's
14 affecting our -- it will affect our property values.
15 Whether or not the harm is real or not, there's going to be
16 perceived harm. There's going to be smell. There's going
17 to be increased traffic, dust, et cetera, et cetera. There
18 is no doubt that the community is going to be affected, as
19 any community would be located right next to a solid waste
20 dump. The state has acknowledged that Alton is going to be
21 affected. You've put Alton on the special committee -- the
22 committee of communities affected. There's an
23 acknowledgment there that we're affected community. The
24 head of the SPO, Martha Freeman, in a piece in the Bangor
25 Daily News stated that Alton was going to be affected. Yet,

1 when the town has been negotiating apparently with Casella,
2 with SPO pretty much stepping back from this, Casella has
3 taken the position that they have no legal obligation to the
4 town at all. In other words, they're taking this hardball
5 approach. Yet, you as the SPO, you -- you've been given the
6 authority to do this deal. Under the Resolve you've been
7 given the authority to acquire the site, to choose an
8 operator, and you've also been given the authority under
9 Section 2 of this Resolve to establish terms and conditions
10 of all contracts. Surely you acknowledge an affected
11 community should be compensated for the harm done to it, and
12 you've acknowledged this. Yet, in the negotiations Casella
13 has taken this position that they have no obligation. Well,
14 the State Planning Office should step in and tell them that
15 they have an obligation and to make these negotiations good
16 faith negotiations and not allow this kind of hardball
17 approach. Could I hear your comments on this, please?

18 MR. MACDONALD: The Request for Proposals
19 that we issued required the respondents to submit a response
20 that included community benefits for the host community.
21 That's the City of Old Town. In addition, we recognize
22 there are impacts to the Town of Alton, to the abutters and
23 neighbors, and those are being addressed both through the
24 proposal that was submitted as well as going beyond that and
25 deal directly with some of the abutters. In addition, we

1 will be working with the town to develop a community benefit
2 package that will provide direct financial compensation to
3 the town. We're in the middle of negotiations on that. I
4 am present at these negotiations.

5 MR. THOMPSON: So you do take the position
6 there is an obligation to the town? There is not no
7 obligation; is that correct?

8 MR. MACDONALD: Correct, yes.

9 MR. THOMPSON: The Legislature has given you
10 the responsibility for making sure communities like ours
11 that are going to be stuck with this for 30 years and for
12 the life of the community, that we are properly compensated.
13 You are not taking the position, as Casella apparently does,
14 that there is no legal obligation. You have the
15 responsibility under this Resolve to make sure that
16 communities like us do not get left high and dry.

17 MR. MACDONALD: Whether it's a legal
18 responsibility or a moral issue, I do believe we have some
19 responsibility to the Town of Alton.

20 MR. THOMPSON: So these negotiations are
21 going to be good faith negotiations, and you will be
22 involved and not allow them to try to stonewall the town?

23 MR. MACDONALD: I am involved in those
24 negotiations and will try and make sure we present a fair
25 side for the town to consider.

1 MS. WALSH: Mr. Thompson, you have one
2 minute.

3 MR. THOMAS: That's fair enough. Thanks.
4 Any additional? Elise Turner. State your name and where
5 you're from.

6 MS. TURNER: My name is Elise Turner, and I'm
7 from Old Town, Maine. I'm a computer science professor at
8 the university. Although I don't do this kind of
9 engineering, I have an understanding of how engineering
10 works and how risks work. I also have an idea how tradeoffs
11 work when you're making these kinds of decisions. I, like
12 many people in this room, am very concerned about the
13 environment. I live in a house that was built specifically
14 so it wouldn't have any dangerous materials in it, so it's
15 super insulated. Obviously I moved here from out of state
16 to teach at the university. I'm not a mill worker. I don't
17 have parents who were mill workers. However, I agree with
18 the gentleman over here who said a very important issue here
19 is about jobs. Like I said, I understand that that's a
20 tradeoff. Even with my environmental concerns, I'm willing
21 to incur a certain amount of risk if the I know that the
22 people in our community are going to be able to maintain
23 their jobs. So what I would like to know -- and I need to
24 ask the state this because they are the people who should
25 look at it -- is that I -- I've read quotes in the newspaper

1 from people from Georgia-Pacific who said that the
2 landfill -- if he don't have the landfill, we know the mill
3 will close but did not guarantee the mill would stay open if
4 we do have the landfill. Georgia-Pacific is a large
5 corporation. It seems like the people who have spoken here
6 are very happy with them. However we know that we live in
7 an age of corporate rating. We know that we live in an age
8 where the interest of stockholders and CEOs are often put
9 above the interest of the people in a community.

10 Georgia-Pacific does not have ties at that level to this
11 specific community. So my question is, what has the state
12 done to guarantee that these jobs will actually stay in
13 Maine after they've given Georgia-Pacific the 26 million
14 dollars and allowed Alton and all the other communities to
15 incur this risk? For the sake of our neighbors to maintain
16 their jobs I'd like to know if anything was done to ensure
17 that the 26 million dollars that was paid to Georgia-Pacific
18 for the landfill was seen to keep the mill open either for
19 the amount of time that that would be used for its operating
20 expenses or to make sure that that money went back into the
21 community, and I'd like to know what exactly the state has
22 done to look into this idea that this will ensure jobs and
23 make sure that it actually happens. I know that that's got
24 to have been a complicated procedure because it's going to
25 involve looking at finances of the corporation, and so if

1 it's okay with guys, I would like to relinquish any extra
2 time that I have to have that question actually answered in
3 detail.

4 MR. MACDONALD: Thank you. Your first
5 question was?

6 MS. TURNER: My whole question is, I'd like
7 to know what exactly you guys have done to find out how we
8 have guarantees that, first of all, the money that you paid
9 is going to come back into the community to guarantee
10 people's jobs and that landfill will result in additional
11 jobs.

12 MR. MACDONALD: It's impossible to have a
13 private corporation make a guarantee that a facility will
14 remain open. That we can't do. We do have assurances from
15 the highest level, president, CEO, of Georgia-Pacific, that
16 with the establishment of improvements at the mill, the
17 major one being the biomass facility, the mill will remain
18 open as it is currently staffed, around 450 people. Whether
19 we can make it better, time will tell. The 26 million
20 dollars that Casella is paying for the privilege of running
21 the landfill for the state is being given to G-P for total
22 investment into the mill to make it more energy efficient.
23 The largest majority of that money is being spent to provide
24 the biomass boiler itself. Additional money will be spent
25 to make other energy improvements at the mill, so it may

1 become more economically competitive in the industry.

2 MS. TURNER: I just want to make sure that my
3 understanding is right. So we are hoping that this will
4 result in jobs here in the long run, and even though they
5 assure you there's no contractual information -- and I
6 understand this is tough to get -- there's nothing going on
7 here that we don't know about? There's no guarantees?

8 MR. MACDONALD: I'm under oath.

9 MS. TURNER: I'm not suggesting that you're
10 lying to me. I just want to make sure that I'm not missing
11 something here.

12 MR. MACDONALD: No. We have assurances.
13 That's the best we can do at this point. There's no way to
14 bind one corporation to the state in such a way to --

15 MS. TURNER: That's fine. I am concerned.
16 There are people out here who are going to lose their jobs.
17 I would be willing to say, fine, but I was afraid this was
18 the answer, that we don't have a guarantee. I'm not
19 suggesting that you are in any way not telling us the truth
20 when you say that. I just wanted to make sure there was
21 nothing that I had missed somewhere. Thank you very much.

22 MS. WALSH: Ted Ocana. State your name and
23 where you're from, please.

24 MR. OCANA: Ted Ocana, Lincoln, Maine,
25 professional engineer, registered in the State of Maine,

1 license number 5892. I've been practicing civil engineering
2 for 26 years, and I've had the rare privilege of actually
3 coming to one of these and being on the talking side.
4 What's interesting about doing this is you get to see both
5 sides and to see really what this is all about. What I'm
6 really here to tell you is that I'm a polluter. In fact, we
7 all pollute. We all expect that somebody takes the trash
8 for us, and somebody has to do the dirty deed and actually
9 take care of the trash. It's a job that somebody has to do.
10 They've just got to meet the environmental rules. There's
11 only three places we can put our trash, right? It can go in
12 the water. That's what Europe does. They ship it to the
13 ocean, dump it, and there it goes. Is that a good thing to
14 do for our world? No. That's what Europe does. We don't
15 want to do that. The only other two options we can do is we
16 can incinerate it or put in landfills. Those are it. We
17 only burn 14 percent of our municipal trash. Japan does 62
18 percent. Why is that? Because if somebody wanted to put a
19 MERC or PERC in the State of Maine, we'd have opposition
20 just like this, probably even greater. That's the problem
21 with government. Government looks at all these different
22 entities and does not establish a policy of the best way to
23 protect the environment, which is really protecting the
24 people. I have the rare privilege of being the site
25 engineer manager back when Fort James was actually trying to

1 find this site. I spent two years looking for this little
2 parcel right there. Back in '89 I had full access to all
3 land. Back then pulp and paper pretty much owned all the
4 land around there. I could go on James River land, I could
5 go on Champion land. We even went to other abutters. We
6 looked at the new rules. That's when the brand new rules
7 were established. There was a lot of criteria to meet. The
8 biggest problem with the landfill is you have to have a big
9 enough site because it's so expensive to get permitted and
10 so expensive to manage, that you have to have a big enough
11 site so you can make it cost-effective to get through all
12 this procedure. We went to Bradley, we went to Greenbush,
13 we went to Alton, we went to Passadumkeag. We went all the
14 way to Edinburg. Finally this little jewel that Patten
15 Company was sitting on and ready to sell landed on our laps.
16 I'll tell you, we were real lucky because we were going to
17 go further and further and further until we found the
18 landfill that met the requirement. This is a precious
19 resource, this piece. People sit there. To take two years
20 of their life to try to find it, they would understand that.
21 It's so precious that we should make it last as long as we
22 can. One of the problems we have right now is our policies.
23 We only allow hog fuel boilers to burn up to 50 percent max
24 of construction demolition debris. That's wrong. We should
25 let them burn whatever they can burn because we want to

1 maximize our landfill. We want it to last as long as
2 possible. That rule needs to be changed, by the way. It's
3 not right. The reason why I say it's not a waste, we pay
4 money for that hog fuel, so it's not a waste. Right now
5 legally, as I understand it, it's considered a waste because
6 somebody took it to some landfill, disposed of it, but once
7 you process it and it goes to the hog fuel boiler, they pay
8 money to get that product there. So that really should be
9 taken out so we can burn more of our waste and do the right
10 thing for our community. This is really a very rare win-win
11 situation. Basically the mill is selling an asset. It took
12 9 million dollars to put in that first cell and get fully
13 permitted. We have a lot of life there if we used it all by
14 ourselves. Here we're selling an asset that's actually
15 worth quite a bit of money because it's very difficult to
16 find the next one. The next one you're going to have to
17 travel a lot further to get to, which leads to the other
18 issue of what environmentalists typically do. They don't
19 stand back and look at a total project and say what is the
20 total environmental impact. In other words, if you push
21 this landfill further north, that's more air pollution
22 that's created by the trucks having to drive there back and
23 forth.

24 MS. WALSH: You have one minute.

25 MR. OCANA: Again, environmentalists focus on

1 one small point and don't look at the full picture of what
2 needs to be done. I support this, obviously. I think it's
3 a very rare, rare win-win situation for all. The only thing
4 that I recommend is that we increase the amount of burning
5 of our trash so we can properly take care of our precious
6 resources like this. Thank you for your time.

7 MS. WALSH: Comments? Harry Sanborn. State
8 your name and where you're from, please.

9 MR. SANBORN: I will. Harry Sanborn. I live
10 in Alton about 250 feet from the entrance to the proposed
11 landfill site. My concern is specifically to traffic, and
12 specific to that, the study that was done by Eaton Traffic
13 Engineering. If one reads the report and analyzes it, on
14 page 4 near the bottom this is what it says. Quote,
15 existing daily truck traffic to and from the West Old Town
16 site is estimated at 45 to 50 trips per day, unquote. The
17 one thing we need to do with that figure is to adjust it
18 because the rest of the figures on that page are all one-way
19 trips. So we're not talking about 45 to 50. We're talking
20 about 22 to 25 trips per day. Jump back to page 1. It
21 states that the current leachate hauling traffic is three
22 trucks per day, which will go up to six to eight when the
23 landfill is developed. That gives you a current ratio of
24 one to eight. Now, one must logically conclude that if the
25 leachate traffic goes from three to six to eight, we could

1 produce as many as 64 trucks per day to take care of the
2 leachate traffic and the support traffic needed to take care
3 of it. Now, if we go to page 2, quote, 350 tons will be
4 transported by trucks carrying approximately 30 tons of
5 waste, unquote. Now, I submit to you that the tonnage per
6 load will average perhaps closer to 22 to 24 tons, maybe as
7 much as 26 per truckload. Now, this number is based on
8 discussions with haulers of such waste. This being said, an
9 adjustment in the projections would indicate the following.
10 It would take 16,666 trucks, not 11,667 trucks, to haul 350
11 tons of waste. Is it would produce traffic of 92.6 two-way
12 trucks per day, not 64.8 trucks per day. Now, interestingly
13 enough, the report says this. Ten percent of the truck
14 traffic happens during the A.M. peak period, 6 to 8 A.M.
15 Now, one has to conclude that 90 percent of the traffic
16 happens sometime during the day other than that. Now, using
17 only the data presented in the report and not my
18 suppositions on the error and load count or the load tonnage
19 preaddressed with the following quote from page 3,
20 accordingly, are, the peak hour traffic flow rate is
21 estimated at approximately seven trucks. I just stated that
22 the report says 10 percent. Now, if seven trucks represent
23 10 percent, that's 77 trucks per day to equal 100 percent.
24 Seventy-seven trucks per day times 360 days, allowing for
25 holidays as the report does, produces 27,720 trips per year,

1 not the 22,334 trips that the report concludes. That's a
2 19.5 percent error in the data. Now, why is that? The
3 reason for it is the truck traffic that was observed at Pine
4 Tree doesn't really haul the tonnage that they're saying.
5 They're talking about actual load tonnage counts, which is
6 real, real tons, if you will.

7 MS. WALSH: Mr. Sanborn, you have one minute.

8 MR. SANBORN: Certainly. Now, just the 400
9 tons discussed, the study using the actual data, as I said,
10 is 19.5 percent low. Let's take the 19.5 percent just to be
11 fair. We're now talking about 23,334 trips annually as
12 reported in the report, but if you adjust it to the 19.5
13 percent, we're really talking about 26,689. Folks, we know
14 this is low. We know that the operator is going to sell
15 some space to other communities. That's what they're in
16 business for, to make some money. You can talk about
17 traffic studies all over the state. There's one thing that
18 happens. Every one of those trucks, no matter where it
19 starts, ends up in that little tiny corner of Route 16 in a
20 poorly-planned entrance. I urge the state and I urge the
21 Department of Transportation to go back, take a look at the
22 traffic studies, do some real counts, make sure your data is
23 correct. This is going to be a terrible, terrible location
24 for traffic and traffic congestion.

25 MS. WALSH: You're up.

1 MR. SANBORN: Thank you.

2 MR. EATON: The traffic study that you were
3 quoting from was primarily prepared on the basis of looking
4 at peak hour traffic, and the reason for that is that we had
5 to check and determine whether or not this particular
6 facility would require a Maine Department of Transportation
7 traffic movement permit. Everything was reduced down to
8 peak one-hour type of traffic. From there we determined
9 that such a permit was not required. At the same time I
10 recognize that most people don't think in terms of peak
11 one-hour flows. They think in terms of how many trucks per
12 day. So I took a peak condition, not a typical average
13 daily condition but a peak one hour and expanded it out to
14 reflect a rough daily average. That's why the numbers are
15 19.4 and 19.5 percent different. An average typical day is
16 going to be back where you take the number of trucks and
17 multiply them out by number of tons for 360 days a year and
18 bring that back. There really is no inconsistency there.
19 It's just a matter of using numbers to estimate other
20 numbers, and that's the way these things were prepared. Did
21 I cover all the points, Tom?

22 MR. DOYLE: I don't know.

23 MR. LANDRY: Even if there are mistakes in
24 the counts that have been brought forward, one of the
25 numbers I heard you say is it went from 62 trips a day to 92

1 trips a day. That's an increase of 30 trips. This facility
2 is open 14 hours a day. You know, that's an average of an
3 additional two trips per hour. Two additional truck trips
4 per hour on these roadways is going to have minimal impact.
5 Route 16 in the area of where the facility is going goes
6 anywheres from 2,300 vehicles per day to 3,050 vehicles per
7 day. Those roadways can't handle much more traffic than
8 that. The majority of traffic in and around the facility is
9 quite low. When you're only talking 3,000 vehicles per day,
10 that is minimal for a two-lane roadway. Additional traffic
11 can be handled quite well.

12 MR. EATON: I was just reminded that I should
13 make a note that we did, in fact, take actual counts. We
14 counted the entrance of the facility on Route 16 both in the
15 morning and in the afternoon as well as doing counts down in
16 the Hampden facility to make our comparison, so it's based
17 on the best numbers we could get. I think that's about it.

18 MS. WALSH: Michael Sockalexis. I will
19 remind you to state your name and where you're from, please.

20 MR. SOCKALEXIS: I want to know how much time
21 you're giving me, speaker.

22 MS. WALSH: Five minutes.

23 MR. SOCKALEXIS: Okay. I'll try to talk 15
24 minutes worth into 5.

25 COURT REPORTER: No, you won't.

1 MS. WALSH: Just a reminder, sir. You do
2 need to speak slowly so that the court reporter will be able
3 to get what you say.

4 MR. SOCKALEXIS: A couple things I want to
5 talk about. My name is Mike Sockalexis. I'm a member of
6 the Penobscot Indian Nation and a member of the Tribal
7 Council. The Tribal Council has not taken a position
8 regarding the landfill, but I'm here to speak as an
9 individual. I have been involved. I sat in Don Meagher's
10 position 13 years ago now, 14 years ago. I considered him a
11 friend because we like blues. A couple things I'm concerned
12 about. I took a trip to Connecticut this weekend, and
13 because I know what trash trucks look like, I counted
14 between the Portland exit, which goes to the Biddeford
15 incinerator -- I counted 33 trucks in one and a half hours
16 coming from out of state. That was in one hour and a half.
17 If these guys operate at 14 hours, someone do the math for
18 me. I was told that, you know, out of state waste is coming
19 into Maine and that the technicality is that once the trash
20 is in the borders of Maine, it's now considered Maine's
21 trash. I got that from the state. I was concerned about
22 the transportation. I'm concerned also about -- I was
23 around when they had the landfill 13 years ago, and I was
24 concerned about the water table. It was suggested that the
25 landfill is going to be sitting right on top of that water

1 table. I would like to ask Casella, is this large document
2 behind Channel 5 News there, is that -- you are going to put
3 in a double liner system? That's misleading if you're not.

4 MR. MAHER: The liner system consists of --
5 it's a composite liner.

6 MR. SOCKALEXIS: Is that a two-liner system
7 with geoplastic, 80 mill?

8 MR. MAHER: It has the HDP plastic.

9 MR. SOCKALEXIS: 80 mill?

10 MR. MAHER: It's 80 mill plastic. Beneath
11 that is a geosynthetic clay membrane, and beneath that is
12 two feet of clay. So there are three barriers.

13 MR. SOCKALEXIS: Then that's in error, sir.
14 I understand landfills. That is a two-liner system. It's
15 misleading to the public here.

16 MR. MAHER: Beneath that -- I think what you
17 might be referring to is the underdrain beneath the
18 three-barrier liner system.

19 MR. SOCKALEXIS: It says liner.

20 MR. MAHER: No, it doesn't, sir. I think if
21 you look at it correctly what that shows is from the top
22 down a leachate collection system, a three-barrier liner,
23 and then an underdrain system, and below that is a native
24 glacial till. If you look closely at that figure, that's
25 what you'll see.

1 MR. SOCKALEXIS: I'm sorry. I guess I have
2 to get glasses. It is misleading. Again a concern about
3 the trash that's coming into the state. I would like to
4 also address the issue of water quality. Is this going to
5 drain into an unknown stream? I'm not too sure about the
6 geology that says that it's all going to drain that way over
7 the -- cell one and two may be draining to it, but what
8 about the other cells? As they get up onto the top there's
9 a slope to the other end. That's going to be draining
10 toward Old Town aquifer and affect the water quality of
11 Penobscot River.

12 MR. MAHER: All of the precipitation which
13 falls on to the active landfill area is collected. It does
14 not drain off site.

15 MR. SOCKALEXIS: My concern is a possible
16 breach in the liner that some day -- because you can't give
17 us assurance that it's not going to be breached, can you?

18 MR. MAHER: We have talked about the
19 possibilities and the testing of the liner. If you want me
20 to take up your five minutes, I could go into that.

21 MR. SOCKALEXIS: I would recommend to the
22 state that there be a double liner system, state of the art.
23 That was recommended to us 13 years ago. I sat in Don
24 Meagher's position trying to site a landfill in Howland,
25 Maine. I think we got -- we had the best. We sold it. If

1 you want to go to Gardiner Trucking Company, you might want
2 to site the landfill in Howland. It's much better than this
3 site because this site sits right on top of the water table.
4 The potential for breaching is there. You cannot give us
5 the assurance that it will not breach the 80 mill liner, but
6 I do contest that you look at your chart again. Also
7 concerned about -- you know, we've got Casella here and G-P
8 in the state. Yes, it may be a win-win, but if you live on
9 Penobscot Reservation land, we are wind-wind from the mill
10 when the wind comes from the southeast. Also concerned
11 about the hydrology of the site. We got very weak answers
12 from the state, and I would contest that the people of Alton
13 and Old Town give due consideration to have an independent
14 hydrologist to look at the site. Also, if the State of
15 Maine is the landowner and Casella is the operator, that's
16 duplicity. I'm concerned that the state is lessening its
17 regulations to site this landfill because my understanding
18 back in 1990, '91 is that there were separate regulations
19 for siting a sludge landfill versus a landfill operation.

20 MS. WALSH: Sir, you have one minute.

21 MR. SOCKALEXIS: We're also concerned --
22 everybody is in here -- that Pierce Atwood represents G-P
23 and Casella. I guess that's a win-win situation for all the
24 lawyers involved. Last minute, again, the mill is
25 depositing its sludge waste in the landfill. I think, you

1 know, it's proper for the mill to have that space, but my
2 concern about the waste is why then is the state and Casella
3 going to remove from cell one and two the sludge and try to
4 stabilize it? The word was told to me to stabilize the
5 sludge. What does that mean? Could I ask Don Meagher that
6 question?

7 MS. WALSH: Are you done with your questions?
8 If that's your last question, you're at your time.

9 MR. SOCKALEXIS: I'm asking Casella, you
10 know, what they mean by that.

11 MS. WALSH: Thanks.

12 MR. WARDWELL: Rich Wardwell, consulting
13 engineer that's been involved in the stability issues at the
14 site since 1999. The paper mill sludge that was disposed at
15 that area by Fort James showed some inherent weaknesses once
16 the fibers biodegraded. To address that situation the plans
17 are in the application to excavate that material and mix it
18 with the incoming waste streams to act as a bulking agent,
19 so it ends up to be part of the overall waste and gains
20 strength from the other materials that are brought in.
21 That's the purpose of that program, to ensure that they
22 don't see the instabilities in the future that have been
23 observed to date.

24 MR. SOCKALEXIS: I'd be concerned about that.
25 Also, water testing -- since the state is the owner and

1 Casella is the operator, they should be somewhat independent
2 to test the water quality over the period and life of the
3 landfill. Thank you.

4 MS. WALSH: Thank you.

5 MR. FARRAR: I'm Steve Farrar, project
6 engineer for the Department. I just wanted to answer one of
7 Mr. Sockalexis questions directly. He was asking if it is a
8 double liner. The answer is, no, it's not. It's a single
9 composite that has three composites, geomembrane, the
10 geosynthetic clay liner, and clay. The second piece I just
11 want to set the record straight on is there are two feet of
12 clay underlying the geosynthetics here, and the first 12
13 inches are considered part of the liner system. The bottom
14 12 are actually in there for a different purpose of
15 providing additional travel time. I just wanted to set the
16 record straight on that.

17 MS. WALSH: Other responses? We only have
18 five minutes before noon, so we're going to adjourn here. I
19 just wanted to -- before folks leave, if you wouldn't mind
20 just waiting, I have an announcement. At 2:00 -- from 2:00
21 to 3:00 We The People has requested that a scientist
22 representing them speak -- have the opportunity to speak.
23 We've allowed a 30 minute time slot for that presentation
24 and then the opportunity for Casella to respond an
25 additional 30 minutes. We will resume these five-minute

1 presentation/comment periods and the five minutes for
2 Casella again at 3:00 today. If you look at the schedule,
3 that will give you an indication of what the schedule is for
4 this evening. Thanks for coming.

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6 (MORNING SESSION CONCLUDED)
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1 CERTIFICATE

2 I, Sheila Glusker, a Notary Public in and for the
3 State of Maine, hereby certify that the within-named
4 speakers were was sworn to testify to the truth, the whole
5 truth, and nothing but the truth, in the aforementioned
6 cause of action.

7
8 I further certify that this deposition was
9 stenographically reported by me and later reduced to print
10 through Computer-Aided Transcription, and the foregoing is a
11 full and true record of the testimony given by the speakers.

12
13 I further certify that I am a disinterested person
14 in the event or outcome of the above-named cause of action.

15
16 IN WITNESS WHEREOF I subscribe my hand this 2nd day
17 of April, 2004. Dated at Augusta, Maine.

18
19 _____
20 Notary Public

21
22 My Commission Expires:

23 June 2008
24
25

